

# ZONING BOARD OF APPEALS



# LAWRENCE MASSACHUSETTS

*Administrative Assistant*  
Anne-Marie Nyhan-Doherty

*Land Use Planner*  
Daniel A. McCarthy

## APPLICATION FOR A SPECIAL PERMIT/VARIANCE/APPEAL

Notice: Application must be typewritten, completed in full and accompanied with 11 copies of completed application packages as noted in the attached checklist. One copy must be filed with the City Clerk prior to filing with the Zoning Board of Appeals. All copies must.

1. Property Location: \_\_\_\_\_

2. Zoning District : \_\_\_\_\_

3. Applicant(s): \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

4. Owner of Property: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

5. Attorney or Agent for Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

6. An **Appeal** from a Decision or Order of the Building Commissioner is hereby made for relief from the requirements of Section(s) \_\_\_\_\_ of the Zoning Ordinance.

7. Application for a **Variance** is made for relief from the requirements of Section(s) \_\_\_\_\_ of the Zoning Ordinance.

8. Application for a **Special Permit** is made in accordance with

Section(s) \_\_\_\_\_ of the Zoning Ordinance.

9. Description of proposed or existing Building, Lot, Occupancy, Work and/or Uses

A. Lot Size \_\_\_\_\_ s.f      Building Size \_\_\_\_\_ s.f      Height \_\_\_\_\_ ft.

B. Existing Occupancy or Use of each floor

\_\_\_\_\_

C. Proposed Work and/or Uses in detail, (*attach additional sheets if necessary*)

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10. If Appealing a Decision or Order of the Building Commissioner, state reasons for the Appeal in detail. (attach additional sheets if necessary)

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11. If applying for a Special Permit, state reasons for the proposed use or change in detail. (attach additional sheets if necessary)

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12. If a Site Plan Review is required per Sec. 29-11 has the plan been submitted to the Land Use Planner for review?

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13. If applying for a Variance, state reasons for Variance request in detail (include proof of hardship, See Sec. 29-34). (Attach additional sheets if necessary)

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14. Have there been any other appeals or a request for a Variance or Special Permit under Zoning for this property? \_\_\_\_\_ If yes, a copy of each decision must be filed with this application.

15. Have there been any previous building zoning violations, court orders and/or building permits issued at this location? \_\_\_\_\_ If so, when? \_\_\_\_\_

16. Is a hearing before any other City Board required for this use? \_\_\_\_\_

If yes, please list \_\_\_\_\_

17. Signature of Applicant(s) \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Owner(s) \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Representative \_\_\_\_\_ Date: \_\_\_\_\_

The petitioner/applicant/appellant is fully responsible for completion of this application and for providing all required and requested documents. **Incomplete applications are unacceptable.** The Zoning Board strongly recommends that the petitioner/applicant/appellant seek appropriate assistance and representation for this application request. Unfamiliarity with zoning procedures may cause unanticipated and unnecessary delay. Representation without proper written authorization by the petitioner/applicant/appellant is unacceptable. Neither the Building Commissioner, the Land Use Planner nor their staff is responsible for the completion of this application.

**The Lawrence Assessors' Office**  
**Instructions to Petitioners for Abutters Lists**

The City of Lawrence mails a **Notice of Hearing** and Notice of Decision to all parties in interest **within three hundred (300) feet of the property line** of the applicant's property.

**To prepare a complete application, the applicant must either prepare the list and labels or:**

**NOTE: The Assessor's Office will prepare the abutter list and labels for a fee of \$30.00**

If the applicant chooses to prepare the list/labels themselves, they must:

1. Obtain the applicable tax map(s) for the site from the assessors office;
2. Identify the Parties in Interest, i.e., the petitioner/applicant, immediate abutters, owners of land directly opposite on any public or private street or way and abutters to abutters within three hundred (300) feet along the property sideline in an easterly or westerly direction from the property lines of your site as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.
3. List all the tax map numbers of the parcels identified above on the forms provided;
4. Prepare a typewritten list of abutters and their mailing address for certification by the city tax assessor; and
5. Provide **two (2) sets** of mailing labels listing the property owner's name and certified mailing address for each abutter identified through the above process. Your name, the site owner's name and the site address should be at the top of the list.

NOTE:

- A. Where a petitioner's property line is within three hundred (300) feet of an adjacent town, the petitioner must also supply a certified list of abutters from the adjacent town's tax assessor; the applicable tax map for verification; and complete a label form for each abutter. All information must be typed on the forms provided by the adjacent town.
- B. Familiarize yourself with zoning requirements, because erroneous notification(s) to abutters can jeopardize or invalidate your permit.
- C. Use the attached forms and prepare your list carefully and neatly. All information must be typed on the forms provided.
- D. Every effort will be made to certify the listing you submit as soon as possible, but the assessor has 10 days, after the receipt your written request, to verify the owner's names and addresses supplied on your list.
- E. The assessors maps utilized are for assessing purposes only: therefore, they are not of survey accuracy. In the case of questionable parcels, you should include any adjacent lots rather than eliminate one due to any difference in a scaled dimension.
- F. Our requirements are to certify your list as to accuracy of our "most recent applicable tax list." This certification does not include any recent transfers of ownership that we have not received.

*Please do not hesitate to ask either the requesting authority or your assessors should you have any questions about your request for certification. Thank you.*



## **IMPORTANT**

- \* INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.
- \* PETITIONER/APPLICANT OR PETITIONER’S/APPLICANT’S REPRESENTATIVE IS SOLELY RESPONSIBLE FOR COMPLETION OF THE APPLICATION AND FULFILLMENT OF ALL REQUIREMENTS, NOT THE BUILDING COMMISSIONER, LAND USE PLANNER, NOR THEIR STAFF.
- \* COMPLETE PACKAGE – ARTICLES II THROUGH XI REFERRED TO ON THE CHECKLIST MUST ACCOMPANY THE APPLICATION PACKAGE.
- \* FAILURE TO COMPLY WITH ANY OF THESE REQUIREMENTS WILL RESULT IN THE PETITION NOT BEING PLACED ON THE AGENDA AND NOT HEARD.
- \* THE BUILDING COMMISSIONER, LAND USE PLANNER AND THE ZONING BOARD OF APPEALS RESERVES THE RIGHT TO REJECT INCOMPLETE APPLICATIONS AT ANY TIME.
- \* THE ZONING BOARD STRONGLY SUGGESTS CONTACTING THE ABUTTERS, NEIGHBORHOOD GROUP, IF ANY, AND THE APPROPRIATE CITY
- \* COUNCILLOR (S) OF THE SUBJECT PROPERTY FOR ADDITIONAL COMMENTS AND INPUT, PRIOR TO COMPLETING AND SUBMITTING YOUR APPLICATION.

## **SPECIAL NOTICE**

If you are or feel unable to complete the application as it is intended, you are advised to seek assistance. Please be advised that neither the Building Inspector, the Land Use Planner, the City Clerk nor their staff can help you with this matter.

The acceptance by the City Clerk of your application shall not be construed to mean that the Board will accept it as being properly drafted.

Prior to hearing your petition, the Board will review it to ascertain if it is completed properly.

The Zoning Board of Appeals reserves the right to dismiss without prejudice any matter before it on the basis of an incomplete application.

I \_\_\_\_\_ have read the application directions and this  
Applicant’s signature(s)  
special notice.

**AUTHORIZATION OF REPRESENTATION**

I/we \_\_\_\_\_ owner(s)

of record of \_\_\_\_\_ (address)

hereby authorize(s) \_\_\_\_\_ (applicant)

and/or \_\_\_\_\_, (authorized representative)

to represent me/us/it before the Zoning Board of Appeals.

\_\_\_\_\_  
Owner of Record's signature

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Authorized representative's signature

\_\_\_\_\_  
Date

**AUTHORIZATION OF REPRESENTATION**

I/we \_\_\_\_\_ applicant(s)

of record of \_\_\_\_\_ (address)

hereby authorize(s) \_\_\_\_\_ (authorized representative)

to represent me/us/it before the Zoning Board of Appeals.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Authorized representative's signature

\_\_\_\_\_  
Date



# CITY OF LAWRENCE LICENSE APPLICATION

[TAX ASSESSMENT AND VERIFICATION FORM]

CITY ORDINANCE: 3.08.110 AND 5.04.080 & MGL C.40, SEC 57

COMPLIANCE LIST

**ALL PAYMENTS REQUIRED BEFORE ISSUANCE OF PERMITS OR LICENSES**

(Please print)

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Applicant's current Address

\_\_\_\_\_  
Applicant's Telephone No.

\_\_\_\_\_  
City

\_\_\_\_\_  
State, Zip

\_\_\_\_\_  
Property Owner's Name

\_\_\_\_\_  
Property Owner's Address

\_\_\_\_\_  
Owner's Telephone No.

\_\_\_\_\_  
City

\_\_\_\_\_  
State, Zip

**DO YOU OWN OTHER PROPERTIES IN THE CITY OF LAWRENCE?**     YES     NO  
*Please list below*

**List of Applicant's Other Properties** *(Must attach Assessor's print out of all applicant's properties)*

\_\_\_\_\_  
Address

\_\_\_\_\_  
Map and Lot

\_\_\_\_\_  
Address

\_\_\_\_\_  
Map and Lot

\_\_\_\_\_  
Address

\_\_\_\_\_  
Map and Lot

**More space needed** - See attached list. Attachment must be signed and dated and stamped by City departments

\_\_\_\_\_  
**Applicant's Signature**

*I declare under the pains and penalties of Perjury that the statements made on this application are true and correct. I also certify that all information herein is true and complete. I understand that any misleading or incorrect statements render this application void and can be grounds for revocation of permit or license. I have not knowingly and willfully made false statements or included false documents in support of this application or permit*

**Tax Collector's Stamp**

(Taxes  
Demolition  
Liens)

\_\_\_\_\_  
Tax Collector's Staff Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Water Department's Stamp**

(Water &  
Sewer)

\_\_\_\_\_  
Water Department's Staff Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Inspectional Services' Stamp**

(Trash  
Tickets,  
etc...)

\_\_\_\_\_  
Inspectional Services Staff Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

This sign off list must be attached to all permits or license applications.

All sign off must include department stamps, signatures and dates.

**PHOTOCOPIES WILL NOT BE ACCEPTED.**

**Lawrence City Ordinance 3.08.110- Payments due prior to issuance of licenses or permits.**

A. The city shall deny any application for and shall revoke or suspend any license or permit, including renewals and transfers, issued by any board, officer or department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

B. This section shall be administered in accordance with General laws, chapter 40, section 57, as amended from time to time.

*(Ord. dated 8/2/95; prior code § 25-11)*

**Lawrence City Ordinance 5.04.080 - Denial, revocation, or suspension of licenses and permits for failure to pay municipal taxes or charges.**

A. The tax collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a 12-month period, and that such party has not filed in good faith a pending application for an abatement of such tax of a pending petition before the appellate tax board.

B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate. *Ord. dated 5/3/05*

**Massachusetts General Laws (MGL) Ch 40, Section 57.** - For full language of this law visit <http://www.malegislature.gov/Laws/Search>.

# CHECKLIST

## VARIANCE REQUIREMENTS

(See Sec. 29-34 – Lawrence Zoning Ordinance)

## SPECIAL PERMIT REQUIREMENTS

(See Sec. 29-24 - Lawrence Zoning Ordinance)

## APPEAL REQUIREMENTS

(See Sec. 29-32 – Lawrence Zoning Ordinance)

**NOTE:** This form is to be completed by the petitioner and/or authorized representative and a copy is to be attached to each application package.

Please check as attached.

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\_\_\_\_\_

12 copies mandatory

### I. APPLICATION

1. MUST be typewritten and completed by petitioner or representative.
2. Petitioners are responsible for obtaining the abutters list. The Building Commissioner will provide you with the Map and Lot #s from the Real Estate Assessor's Map. Subsequently, you shall obtain the abutters names and addresses from the Assessor's Office; after the list is completed by the petitioner, the Board's administrative assistant will notify the abutters listed. The Assessor's list may not be updated; therefore the Board strongly recommends that you personally notify your immediate abutters.
3. MUST have all pertinent information noted, including owners names and signatures.
4. Incomplete applications will not be accepted. ALL signoffs on the Tax Assessment and Verification Form must be completed before the application is submitted.

### II. CERTIFIED SITE PLANS

(see Article VIII of Zoning Ordinance)

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\_\_\_\_\_

12 copies mandatory

1. MUST be prepared, sealed and signed by one of the following:
  - a) Registered Professional Engineer
  - b) Registered Professional Land Surveyor
  - c) Registered Professional Architect
  - d) Registered Professional Landscape Architect

**NOTE: A certified Site Plan is not required for Special Permit signage applications:**

Special Permit signage applications shall include the graphic information specified in the attached hand-out shown at a scale and format acceptable to the Lawrence Planning Board.

III. **FOR VARIANCE REQUESTS ONLY:**

1. All plans are to include all existing and proposed Buildings and Structures affected, as well as the immediate surrounding premises (i.e. abutters) showing proximity of abutting buildings to petitioner's lot lines.
2. All plans must include a demographic table which includes all dimensions, setbacks, area, area per dwelling unit, frontage, open space, parking, actual vs. required and most important, the requested variance. Failure to include this on the plan could result in rejection of the entire application.
3. For subdivisions, each plan shall show all dimensions for all lots involved.
4. Incomplete plans will not be accepted.

IV. **FOR SPECIAL PERMIT/SITE PLAN APPROVAL REQUESTS ONLY:**  
REFER TO ARTICLES III, VII AND VIII OF THE LAWRENCE ZONING ORDINANCE.

1. SITE PLAN REVIEW (see below)

- a) If proposed use requires a SITE PLAN REVIEW, the applicant must meet in person with the Planning Board agent, the Land Use Planner.
- b) A copy of the SITE PLAN REVIEW APPLICATION must be submitted with the Zoning application and procedures for this review must be completed at least two weeks before the Zoning hearing. (For procedures see Article VIII of the Zoning Ordinance.)

2. SITE PLAN APPROVAL:

- a) If proposed use requires a SITE PLAN APPROVAL, then the Special Permit Granting Authority is the Lawrence Planning Board and proper procedures for requesting a meeting with the Board shall be met.
- b) If proposed use requires a SITE PLAN APPROVAL, the applicant must meet in person with the Planning Board's agent, the Land Use Planner to discuss preliminary site plan(s), technical matters relative to zoning and planning, required documentation, and the proper completion of the application package for Special Permit.

REFER TO ARTICLES III, VII AND VIII OF THE LAWRENCE ZONING ORDINANCE FOR ADDITIONAL INFORMATION.

V. **COPY OF LETTER OF REFUSAL OR DENIAL OF BUILDING PERMIT BY THE BUILDING COMMISSIONER.**

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12 copies mandatory

VI. COPY OF PREVIOUS ZONING AND/OR PLANNING DECISIONS INCLUDING VARIANCES, SPECIAL PERMITS, AND/OR SITE PLAN APPROVAL, ZONING VIOLATIONS, COURT ORDERS, AND/OR BUILDING PERMITS IF ANY.

\*\*  
\_\_\_\_\_  
12 copies mandatory

VII. COPY OF THE MOST RECENT DEED (CURRENT OWNER (S)) RECORDED AT THE NORTH ESSEX REGISTRY OF DEEDS. (Include Book and Page numbers or Instrument number of Recording.)

\*\*  
\_\_\_\_\_  
12 copies mandatory

VIII. PHOTOGRAPHS OF ENTIRE SITE. (different views, if necessary)

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\_\_\_\_\_  
original plus 11  
photocopies of each  
mandatory

IX. CERTIFIED CHECK, CASHIERS CHECK OR MONEY ORDER ONLY. (No personal checks or cash accepted.)

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\_\_\_\_\_  
See fee schedule

X. OPY OF THE AUTHORIZATION FORMS.

\*\*  
\_\_\_\_\_  
12 copies mandatory

XI. DATE AND SIGNATURE (S) \*\*\* MANDATORY \*\*\*

Including: Property owner, Applicant/petitioner (if different) and Applicant/petitioner's representative.

# LAWRENCE ZONING BOARD OF APPEALS FEE SCHEDULE

<b>Variance</b>	<b>\$250.00</b> <b>\$200.00</b>	Payable to the City of Lawrence Payable to the Eagle Tribune (for advertising expenses)
<b>Special Permit</b>	<b>\$250.00</b> <b>\$200.00</b>	Payable to the City of Lawrence Payable to the Eagle Tribune (for advertising expenses)
<b>Appeal Under Sec. 29-32</b>	<b>\$250.00</b> <b>\$200.00</b>	Payable to the City of Lawrence Payable to the Eagle Tribune (for advertising expenses)

**Commercial Development as Shopping center, office and/or office retail complex** (Any primarily commercial use with more than three (3) rental/ownership commercial units).

<b>Variance or Special Permit</b>	<b>\$500.00</b>	Payable to the City of Lawrence
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**Multi Family Development as apartments, condominiums, town houses** (Anything more than three residential dwelling units)

<b>Variance or Special Permit</b>	<b>\$500.00</b>	Payable to the City of Lawrence
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**VARIANCE OR SPECIAL PERMIT** for a **SUBDIVISION** is \$350.00 for the first three (3) lots and \$100.00 per lot thereafter.

The petitioner/applicant shall be responsible for payment of any study requested by the Board.

The petitioner/applicant shall be responsible for payment of all costs associated with the Registry of Deeds.

**ONLY CERTIFIED CHECKS, BANK CHECKS OR MONEY ORDERS ACCEPTED.**