



Town of Rochester
Zoning Board of Appeals
37 Marion Road, Rochester MA 02770
Phone: (508) 763-5421 ext. 204 * Fax: (508) 763-5379
www.townofrochestermass.com

Appeal Number: _____ Date: _____

PETITION FOR A VARIANCE/SPECIAL PERMIT
UNDER THE ZONING ORDINANCE

The undersigned petitions the Board of Appeals to vary, in the manner and for the reasons hereinafter set forth, the application of the provisions of the zoning ordinance to the following described premises:

Petitioner	Address
Owner	Address
1. Location of Premise: _____	
2. Assessors Plan _____	Lot _____
3. Dimensions of Lot: _____	
	Frontage
	Square Feet/Acreage
4. Zoning District in which premise is located: _____	
5. Premise has been in present ownership since: _____	
6. Number of buildings presently on existing lot: _____	
7. Size of existing buildings: _____	
8. Present use of premise: _____	
9. Proposed use of premise: _____	
10. Extent of alteration: _____	

11. Plans have been submitted to the Building Commissioner. **YES NO**

12. Has the Building Commissioner refused to issue a permit: **YES NO**

If **YES** Date: _____

13. Provisions of zoning ordinance under which petition for a variance/special permit is made: _____

14. Engineering firm that has certified the plot plan being submitted with this petition: _____

15. Reasons for appeal from decision of Building Commissioner: _____

NOTE: Applicant must submit at least two copies of all plans pertinent to the application.

I have read and understand the Rochester By-laws pertaining to my request for a Variance / Special Permit.

Represented by:

Petitioner:

Name

Name

Address

Address

Telephone Number

Telephone Number

**INSTRUCTION FOR PETITIONERS FILING TO APPEAR
BEFORE THE ZONING BOARD OF APPEALS**

1. An appeal to the Zoning Board of Appeals shall be made within thirty (30) days from the date of the decision of the Building Commissioner, which is being appealed.
2. **Two copies of certified plot plan must be submitted with this petition** showing lot lines, setback and lot dimensions, existing buildings, wells and septic systems, street lines and the proposed project as it relates to the lot. Certification must be from a Massachusetts registered land surveyor or registered professional engineer.
3. To be granted a **variance** a petitioner must establish that special conditions exists affecting the parcel of land or building, that literal enforcement of the Zoning By-law would involve substantial hardship, financial or otherwise, and that the variance may be granted without detriment to the public good and without nullifying or substantially derogating from the intent of the by-law. **Be prepared to present this evidence at the public hearing. It is strongly suggested that this data be prepared in writing and submitted to the Board of Appeals at or before the hearing.**
4. In order to expedite consideration of your appeal, include all factors that may be relevant to the questions of hardship, financial or otherwise. Hardship may also include a “hardship of the land” and the petitioner should present all facts indicating why such a hardship exists and how it may be overcome by the granting of the variance.
5. If your petition before the Zoning Board of Appeals requests a special permit rather than a variance, be prepared to present data that tends to indicate that the public convenience and welfare will be substantially served by granting the permission requested; that the permission requested will be in harmony with the general purposes and intent of the regulations in the Zoning By-laws.

Note: a fee of \$55.00 must be paid at the time a petition is filed for either a special permit or a variance. Applicant will be required to pay for two week advertisement costs as well as all mailing fees for certified mailings to abutters.

I hereby acknowledge receipt of these instructions and further understand that a certified plot plan must be presented.

Applicant's Signature

For those applying for a **Variance**, note the following for clarification.

It is incumbent upon the applicant to show the ZBA that:

- A.) There are unique circumstances relative to the shape, topography or soil conditions of the land {or the character of the existing building} such as {unique features of property} **and**
- B.) Literal enforcement of the by-laws would involve substantial hardship, financial or otherwise to the petitioner such as {hardship} **and**
- C.) The desired relief may be granted without substantial detriment to the public good.

The detailed **certified plot plan** to demonstrate A.) above should include:

- All structures on the property.
- All underground services including septic systems, wells, piping, wiring, etc.
- Any wetlands.
- Contour lines showing the general topography of the property.
- Any unusual features on the property such as ledge (should these features exist).
- Any rights of way across the property.
- Proposed location any work that requires the Variance.

Applicants initials: _____ Date: _____