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|-----------------|-----|
| Case Number: | ZBA |
| Date Submitted: | |
| Hearing Date: | |

RECEIVED BY TOWN CLERK



TOWN OF EASTHAM ZBA APPLICATION FORM

2500 State Highway, Eastham, MA 02642
All Departments 508-240-5900
www.eastham-ma.gov

Property Address: _____ MAP: _____ PARCEL: _____

Application for: _____ SPECIAL PERMIT _____ VARIANCE
 Appeal of a decision made by: _____ BUILDING INSPECTOR _____ PLANNING BOARD

| OWNER: | APPLICANT* |
|---|--|
| Owner's Address: | Applicant's Address: |
| City, State, ZIP: | City, State, ZIP: |
| Phone: | Phone: |
| Email: | Email: |
| Owner Signature: | Applicant Signature: |
| <i>If there are multiple owners of a property (i.e. an Association), please list names and signatures and attach.</i> | <i>*If applicant is not the owner of record of the property, written authorization from the owner must accompany this application.</i> |
| CONTACT/REPRESENTATIVE*: | |
| Name: | Phone: |
| Mailing Address: | Email: |

Directions to the Property: _____

Registry of Deeds Title Reference: Book _____, Page _____ Certificate of Title Number _____

Land Ct. Lot # _____ and Plan # _____

Year lot was created _____ Year house &/or structures were constructed _____

Are there any existing Special Permits or Variances associated with this property? Yes _____ No _____

If yes, please list Case Numbers or Book/Page numbers _____

Section(s) of By-Law to Appeal (*see Building Inspector's Denial Letter*) _____

Description of Proposal &/or Decision Being Appealed (*Please attach separate narrative if additional space is needed*):

Present Use of Property _____

Total Number of Structures on Lot _____ Number of Habitable Dwellings on Lot _____

Please be advised that by making this application, you are authorizing the Board of Appeals members and their agents to make site inspection of your property. It is imperative that the Street and Property in question are marked. This form must be filled out completely. Please contact Town Planner with any questions prior to filing deadline. Failure to include all information &/or plans and documentation could cause a delay or denial of your project

1. Proposed Site Coverage Calculation:

| PROPOSED SITE COVERAGE | | | | |
|------------------------|----------|------------------------------------|-------------------------------------|------------------|
| GROSS HORIZONTAL AREA | DWELLING | ATTACHED ROOFED STRUCTURE (SQ.FT.) | DETACHED ROOFED STRUCTURE (SQ. FT.) | TOTALS (SQ. FT.) |
| BASEMENT | | | | |
| FIRST FLOOR | | | | |
| SECOND FLOOR | | | | |
| THIRD FLOOR | | | | |
| TOTAL | | | | |

Note: See Eastham Zoning Bylaw Section III for **Site Coverage definition.**

2. Proposed Site Coverage (Total): _____ sq. ft.
 3. Lot Size: _____ sq. ft.
 4. Proposed Site Coverage Ratio: _____ % [Site Coverage (2) ÷ Lot Size (3)]

5. Existing Site Coverage: (if a reconstruction project)

| EXISTING SITE COVERAGE | | | | |
|------------------------|----------|------------------------------------|-------------------------------------|------------------|
| GROSS HORIZONTAL AREA | DWELLING | ATTACHED ROOFED STRUCTURE (SQ.FT.) | DETACHED ROOFED STRUCTURE (SQ. FT.) | TOTALS (SQ. FT.) |
| BASEMENT | | | | |
| FIRST FLOOR | | | | |
| SECOND FLOOR | | | | |
| THIRD FLOOR | | | | |
| TOTAL | | | | |

6. Existing Site Coverage (Total): _____ sq. ft.
 7. Existing Site Coverage Ratio: _____ % [Site Coverage (6) ÷ Lot Size (3)]
 8. Site Coverage Increase: _____ sq. ft.
 9. Percentage of Expansion: _____ % [Site Coverage Increase (8) ÷ Lot Size (3)]

10.

| PROPOSED GROSS FLOOR AREA | |
|---------------------------|---|
| | STRUCTURE GROSS HORIZONTAL AREA (SQ.FT) (Including attached roofed areas) |
| BASEMENT | |
| FIRST FLOOR | |
| SECOND FLOOR | |
| THIRD FLOOR | |
| TOTAL | |

11.

| EXISTING GROSS FLOOR AREA | |
|---------------------------|---|
| | STRUCTURE GROSS HORIZONTAL AREA (SQ.FT) (Including attached roofed areas) |
| BASEMENT | |
| FIRST FLOOR | |
| SECOND FLOOR | |
| THIRD FLOOR | |
| TOTAL | |

Note: See Eastham Zoning Bylaw Section III for **Gross Floor Area definition.**

12. Proposed Gross Floor Area: _____ sq. ft. [Total Gross Horizontal Area (10)]
 13. Existing Gross Floor Area: _____ sq. ft. [Total Gross Horizontal Area (11)]
 14. % Change Gross Floor Area: _____ % [Proposed Gross Floor Area Total (10) - Existing Gross Floor Area (11) ÷ Existing Gross Floor Area Total (11) x 100]

15.

| FRONT SETBACK | | REAR SETBACK | | SIDE SETBACK 1 | | SIDE SETBACK 2 | |
|---------------|----------|--------------|----------|----------------|----------|----------------|----------|
| EXISTING | PROPOSED | EXISTING | PROPOSED | EXISTING | PROPOSED | EXISTING | PROPOSED |
| | | | | | | | |

Note: See Eastham Zoning Bylaw Section IX.B for **Setback Requirements.**

ZBA APPLICATION CHECKLIST

Please submit **12** copies of the following required information, including one copy with original signature

- Filing Fee (\$250.00)
- Abutter Certification (\$25.00)
- Abutter Mailing Fee (\$8.00 per Abutter)
- Denial Letter from Building Commissioner (*Letter should indicate zoning relief required*)
- *For properties located within the National Seashore*
 - Cape Cod National Seashore (CCNS) Building Area Computation Sheet
(*Note the computation sheet must be verified and initialed by CCNS Representative. Sheet available on Town of Eastham website*)
- Completed Application Packet (*12 copies including one with original signature*)
- Building Floor Plans and Elevations (Existing & Proposed) - (*Reduced size plans acceptable 11x17*)
- Schedule of Construction Procedures (*Including any proposed removal or demolition of major structural components - required for all renovations, alterations or additions*)
- Narrative statement describing the project
- Site Plans (Existing, Proposed & Septic Plans) - Stamped by Registered Surveyor or Engineer (11x17). Plans should include the following information:
 - Property Line Dimensions
 - Dimensions of existing/proposed structures
 - All property line setbacks to existing/proposed structures
 - Location and capacity of septic disposal system and well
 - Edge of wetland and wetland buffer (if applicable)

COMMERCIAL APPLICATIONS - ADDITIONAL INFORMATION

Site Plans (Existing and Proposed) - Stamped by Registered Surveyor or Engineer (11x17)

Plans should include the following information:

- Existing and Proposed ground elevations and finished grade
- Landscape plan with contours
- Dimensions of existing/proposed structures
- Parking layout showing all dimensions and calculations
- Proposed drainage plan with runoff calculations and design capacity of all catch basins.

- I acknowledge that the above information is included in the application or I have indicated items that require waivers

Signature: _____

Date: _____

Questions regarding the applicability of any of the above requirements to a specific project can be addressed to the Zoning Officer (Building Commissioner) or Town Planner (508) 240-5900

GENERAL GUIDELINES FOR ZBA APPLICATIONS

1. Fill out the ZBA Application completely in accordance with these Application Procedures and the Application Checklist so that there will be no ambiguity or uncertainty as to your intent in seeking approval of your application.
2. The Petitioner or his/her representative must appear and present the petition at the public hearing.
3. Please review all regulations of the ZBA prior to appearing before the Board. These can be found on the Town's website at: http://www.eastham-ma.gov/Public_Documents/EasthamMA_Zoning/zoning
4. At the hearing, please be prepared to present a description of your project. This should include a thorough description of the existing conditions or use, including proposed changes and any other relevant information that the Board may need in reviewing the application.
5. If you are seeking a **Variance**, be prepared to address all pertinent factors of your project that may be relevant to the questions of hardship set forth below as they relate to M.G.L. Chapter 40A Section 10 (Variances) and all pertinent sections of the Eastham Zoning Bylaw. Be prepared to explain the factors of the hardship at the public hearing.
 - A Petitioner must establish that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the Petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.
6. If you are seeking a **Special Permit**, be prepared to address all pertinent factors of your project as they relate to the Special Permit criteria listed in Eastham zoning Bylaw Section VI. D (Non-Conforming Uses)
 - Special Permits are granted when the Special Permit Granting Authority determines that the structure or use involved will not be detrimental to the established or future character of the neighborhood and the Town and when it has been found that the structure or use involved will be in harmony with the general purpose and intent of the Zoning By-law and zoning District. It shall be the responsibility of the applicant for any Special Permit to demonstrate, to the satisfaction of the Special Permit Granting Authority, that the Special permit criteria have been met.
7. Any person filing as a Party Aggrieved by the decision of the Building Commissioner or Planning Board must present the factors that may be relevant to the appeal of that decision.
8. Any person aggrieved by a decision of the Zoning Board of Appeals may appeal such decision by bringing an action in Superior Court within twenty (20) days after the decision has been filed with the Office of the Town Clerk. Notice of such appeal must also be filed with the Town Clerk within the twenty (20) day period.
9. Decisions made by the Zoning Board of Appeals are filed with the Town Clerk and a copy of the decision is mailed to the Applicant. Parties in interest are also notified of the Board's decision at this time. The 20-day appeal period begins to accrue from the date that the decision is filed with the Town Clerk (MGL Chapter 40A, Section 11). NOTE: The appeal period DOES NOT begin from the date of the initial public hearing nor the deliberation.
10. The Applicant will record a copy of the Decision in the Barnstable County Registry of Deeds. No variance or special permit shall take effect until the Decision is recorded in said Registry. No building permit shall be issued without proof of recording.
11. A Variance or Special Permit must be exercised within one year of the date the decision was filed with the Town Clerk of grant of such Variance or Special Permit. If the rights are not exercised within the specified period, the Variance and/or Special Permit shall lapse, unless an extension is granted, and may be re-established only after notice and a new hearing pursuant to these General Requirements. A one-time extension of not more than six months may be requested from the Board prior to the expiration of either a Variance or Special Permit.