



GENERAL REQUIREMENTS FOR APPLICATION TO THE MELROSE ZONING BOARD OF APPEALS

INTRODUCTION

This document explaining the general requirements for applications to the Zoning Board of Appeals (ZBA) is available to guide Applicants through the application process. The ZBA considers requests for variances, special permits and appeals from decisions of City Officials.

- Variances allow for the departure from strict terms or provisions of the Zoning Ordinance where a literal enforcement of the provisions would involve a substantial hardship and where desirable relief may be granted without substantial detriment to the public good.
- Special permits are required by the Zoning Ordinance in order to establish some land uses and utilize other provisions that need individual consideration based on the nature of the surrounding uses and structures.
- Appeals from decisions of City Officials could be regarding the inability to obtain a permit or other decision of a City Official or Board in violation of any provision of the Zoning Ordinance.

The Board's criteria for review of these permits are detailed in a section below.

SUBMISSION REQUIREMENTS

Two hard copies, including the original, of the following materials must be submitted to the City Clerk's Office on the first floor of City Hall for an application to be considered complete. An electronic copy of all of the following materials must also be emailed to appeals@cityofmelrose.org.

Original & 1 copy collated (additional copies may be requested if needed)

1. Application Checklist A completed copy of the Application Checklist indicating that all of the application materials have been submitted. The checklist shall be signed to certify that you understand and agree to comply with the requirements outlined in the "General Requirements for Application to the Melrose Zoning Board of Appeals", and that the application submitted is complete as per those requirements.
2. Completed Application Form Please do not leave blank fields as all of the information requested on the application is needed to process your application. Questions regarding this form can be directed to the Office of Planning and Community Development, 781-979-4190 or appeals@cityofmelrose.org.
3. Letter from the Building Commissioner Applicants should submit plans to the Building

Commissioner prior to submitting an application to the ZBA. The Building Commissioner will issue a letter stating the grounds for denial of the requested permit and the relief required from the ZBA.

4. Advertising Fee Billing Authorization A signed copy of the billing authorization form for the advertising fee must accompany the application. Notice of the hearing is published twice in a local newspaper. The ZBA Clerk will determine publication dates and submit the required advertisement to the newspaper. The Applicant will be billed directly at the address given on this form. The cost of the advertisement varies depending on the complexity of the request and the resulting size of the advertisement. If you have concerns about this cost, please contact the newspaper indicated on this form prior to submitting your application to the ZBA.
5. Abutters List from Neighboring Community *if applicable* If the subject property is within 300 feet of the city line the Applicant must obtain a certified list of abutters from the Assessor's Office(s) of the nearby city/town. The certified list needs to include all "Parties of Interest" as defined in the Melrose Zoning Ordinance which includes the owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line, all as they appear on the most recent applicable tax list. Applicants may use the form included in these application materials to request the list. The list must be certified no more than 45 calendar days prior to filing the ZBA application.
6. Application Filing Fee A non-refundable fee of \$350.00 for 1 to 3 family residential applications and \$500.00 for all other types of applications must be paid by the Applicant at the time of filing the completed application. This fee is not refundable should you later decide to withdraw your application. Checks should be made payable to the "City of Melrose".
7. Certified Plot Plan The Plot Plan must be prepared by a licensed surveyor on a scale adequate for interpretation, but ordinarily not smaller than 1 inch = 40 feet. The plot plan shall have indicated thereon any abutting streets, roads or ways, natural waterways of a seasonal or permanent nature, and the ownership of the parcel in question. The distance of any existing structures to the lot lines should be indicated in any area where modifications are proposed. This plan must be certified by a licensed surveyor and must not be modified by anyone after certification. Mortgage surveys are not adequate.
8. Site Plan The Site Plan shall be prepared on a scale adequate for interpretation, but ordinarily not smaller than 1 inch = 40 feet which indicates any changes in the site that will occur as a result of the application. The overall dimensions of proposed structures need to be clearly marked as well as the proposed distance to the property line. If appropriate, this information can be indicated on the plot plan by the licensed surveyor preparing the certified plot plan. If the application is for a special permit for parking greater than four spaces, a separate parking and landscape plan indicating compliance with Section 235-41 of the Zoning Ordinance must be submitted. Such plans should not be on a scale smaller than 1 inch = 20 feet.
9. Construction Plans (building elevations and floor plans) Construction Plans shall be prepared on a scale adequate for interpretation, but ordinarily not smaller than 1 inch = 40 feet. Professional preparation of layout plans is recommended but not required for

buildings under 35,000 cubic feet in volume, as long as due care and attention to the detail and scale of drawings is exercised.

- a. When the application concerns an existing building to which changes or additions are proposed, the plan shall include such front, side or rear elevation drawings as may be necessary to show changes proposed to the exterior of the structure, and also the plan of any floor where additions or alterations are proposed, including all entrances or exits, windows, interior partitions and doorways, stairways, chimneys and any other pertinent features.
- b. When the application concerns a proposed building, the plans shall include front, side and rear elevation drawings, including all portions of the structure below grade, and floor plans of all proposed floors, including all entrances and exits, windows, interior partitions and doorways, stairways, chimneys and any other pertinent features.

10. Additional Information At any time after receipt of the application by the ZBA, the Applicant may be requested to file further information and/or documents which will become part of the file of the ZBA.

PUBLIC HEARING

The City Clerk will give the application a case number. The ZBA Clerk will schedule a ZBA hearing date within 65 days. The ZBA generally meets on the 2nd Wednesday of the month and the 4th Wednesday of the month if the volume of activity is high. The Applicant will receive notice of the public hearing by mail two weeks prior to the hearing date and by email if provided. The ZBA Clerk will mail notice to all abutters within 300 feet of the subject property and will submit the advertisement to be published twice in a local newspaper not less than 14 days preceding the hearing. The Clerk will prepare the advertisement, with the information as it appears on the application, and the Applicant will pay all fees for this publication, which will be billed directly by the newspaper. The Applicant or Representative is required to make a verbal presentation at the ZBA public hearing. In complex cases, it may be useful to seek professional advice.

The Melrose Planning Board reviews ZBA cases and provides a non-binding recommendation to the ZBA. The review is based on the application materials and does not involve a public hearing with discussion with the Applicant or abutters. The ZBA Clerk will send the recommendation letter to the Applicant prior to the ZBA hearing.

REQUIREMENTS FOR SPECIAL PERMITS

The Applicant must present evidence with an application for a special permit showing how all of the requirements below are met. The Board with due regard to the nature and condition of all adjacent structures and uses and the district within which the property is located, must find all of the conditions are fulfilled before granting a special permit. Review Article XI, section 235-63 of the Melrose Zoning Ordinance for further information.

1. The use requested is listed in the Table of Use and Parking Regulations or elsewhere in the Zoning Ordinance as requiring a Special Permit in the district.
2. The requested use is essential or desirable to the public convenience or welfare.
3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
4. The requested use will not overload any public waterway, drainage, or sewer system or any other municipal system to such an extent that it will unduly subject any areas of the City to hazards affecting health, safety, or the general welfare.
5. Any special regulations for the use, set forth in Article XI of the Zoning Ordinance, are fulfilled.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare of the general population.

REQUIREMENTS FOR VARIANCES

The Applicant must present evidence supporting an application for a variance that demonstrates that the requirements below are met. Review Article XI, section 235-64 of the Melrose Zoning Ordinance for further information.

A variance may be authorized for a particular use, parcel of land or to an existing building where, 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 affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Zoning Ordinance would involve substantial hardship, financial or otherwise, to the Applicant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance.

The Board must find that all of these conditions are present before granting a variance:

1. Conditions and circumstances are unique to the Applicant's lot, structure or building and do not apply to the neighboring lands, structures or buildings in the same district.
2. Strict application of the provisions of the Zoning Ordinances would deprive the Applicant of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighborhood lands, structures or buildings in the same district.
3. The unique conditions and circumstances are not the result of actions of the Applicant taken subsequent to the adoption of the Zoning Ordinance on November 27, 1972.
4. Relief, if approved, will not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Ordinance.
5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.
6. A literal enforcement of the provisions of the Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the Applicant.

DECISIONS

The ZBA's decision is filed with the City Clerk within 14 days of the vote and a copy of the decision, with a stamp indicating the file date, is mailed or emailed to the Applicant. Parties of interest, as previously defined, are notified of the ZBA's action by mail. There is a 20-day appeal period that starts on the date that the decision is filed with the City Clerk. On the 21st day the Clerk will certify the decision if no appeals have been filed, or for a special permit if an appeal has been filed that it has been dismissed or denied.

Applicants must pick up a certified copy of the decision from the Clerk's Office on or after the 21st day after the decision was filed. Alternatively, Applicants may request that the Clerk mail a certified copy of the decision to them. The Applicant must then record the decision at the Middlesex South District Registry of Deeds and present a receipt from the Registry as proof of the recording to the Building Department before proceeding with the building permit process.

If a variance or special permit is granted, it will not take effect until these steps have been taken.

If the rights authorized by a variance are not exercised within one-year or by a special permit within two-years of the date that they are granted such rights shall lapse.

For City Clerk's use:

Case #

Date Stamp

Fee \$

MELROSE BOARD OF APPEALS Application Checklist

This application checklist must be completed, signed and submitted with all Zoning Board of Appeals Applications. All documents on the checklist and the collated sets of the required copies must be submitted to the City Clerk's Office and emailed to appeals@cityofmelrose.org.

Applicant's Name: _____

Project Address: _____

Original & 1 copy collated (additional copies may be requested if needed)

- ☐ 1. Application Checklist
- ☐ 2. Completed Application Form
- ☐ 3. Letter from the Building Commissioner
- ☐ 4. Advertising Fee Billing Authorization
- ☐ 5. Abutters List from Nearby City/Town if within 300 feet of the subject property
- ☐ 6. Application Filing Fee
- ☐ 7. Certified Plot Plan
- ☐ 8. Site Plan
- ☐ 9. Construction Plans, if applicable
- ☐ 10. Additional Information, if applicable

By signing below, I certify that I understand and agree to comply with the requirements outlined in the "General Requirements for Application to the Melrose Zoning Board of Appeals," and that the application submitted is complete as per those requirements.

Signature _____ Date _____

MELROSE BOARD OF APPEALS

Application Form

INSTRUCTIONS: Please read the General Requirements for Application to the Melrose Zoning Board of Appeals (ZBA).

PROJECT ADDRESS & SITE INFORMATION

Address _____

Assessor's Map & Parcel _____

Zoning District _____

Deed recorded in Middlesex South Registry District Deeds: Book _____ Page _____ or

Certificate of Title: Number _____ Book _____ Page _____

APPLICANT

Name _____

Address _____

Telephone _____

Email _____

If applicant is not owner, check his/her interest in the premises:

Prospective Purchaser ☐ Lessee ☐ Other (Explain) _____

OWNER (If joint ownership, name all parties)

Name _____

Address _____

Telephone _____

Email _____

REPRESENTATIVE

Name _____

Address _____

Telephone _____

Email _____

APPLICATION IS HEREBY MADE

(A) ☐ For a Variance from requirements in the following sections of the Zoning Ordinance:
Chapter 235, Sections _____

(B) ☐ For a Special Permit referenced in the following sections of the Zoning Ordinance:
Chapter 235, Sections _____

(C) ☐ As a party aggrieved, for review of a decision made by the Building Commissioner or other authority. The decision, stating the grounds thereof, must be attached.

PROPOSAL INFORMATION

Were the premises the subject of a previous application to the Board? _____

If yes, give date of application and case number if available _____

Approximate date of construction of existing building _____

Zoning Data	Existing	Proposed
Use(s) of Property		
Lot Area	sf	sf
Frontage/Lot Width	ft	ft
Building Height - ft/#stories	ft / stories	ft / stories
Square Feet of Building	sf	sf
Dimensions of Addition or New Building	—	

Describe the proposed work and/or use including the reasons for the requested relief. Address the requirements for obtaining a Special Permit or a Variance as set forth in the General Requirements for Application to the ZBA. Attach additional sheets if necessary.

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SIGNATURE _____ DATE _____

APPLICATION FEE:
\$350.00 1-3 Family Residence
\$500.00 All Others
Non-Refundable FEE
MUST ACCOMPANY THIS APPLICATION

MELROSE BOARD OF APPEALS
Advertising Fee Billing Authorization

To: Melrose Free Press Observer
48 Dunham Road
Suite 3100
Beverly, MA 01915
Attn: Legal Advertising Department

I hereby authorize GateHouse New England to bill me directly for the legal notice to be published two times in the Melrose Free Press newspaper for a notice of Public Hearing with the Melrose ZBA. I understand the ZBA Staff will write and submit the advertisement, using the information contained on the application, and that the Melrose Free Press will bill me directly for the cost of the ad. I understand that it is my responsibility to contact the Melrose Free Press at (781) 433-7902 and pay for the notice no later than Friday at 5 PM the week before the advertisement is scheduled to be published.

Errors and omissions in the application material are the responsibility of the applicant and could result in additional advertisement costs to the applicant.

Please note: An application cannot be scheduled for public hearing without advertisement. If the Melrose Free Press is unable to publish the advertisement due to non-payment by the applicant or other reasons related to actions or inactions by the applicant, the hearing date may be revoked and the City of Melrose may no longer be able to accommodate a hearing within 65 days of the filing date.

Signed: _____

Print Name: _____

Address: _____

Home Phone: _____

Work Phone: _____

Notice to Applicant:

The cost of the advertisement is based on the length of the ad and varies with each application. If you have concerns about this cost, please call the Melrose Free Press and inquire about their rates prior to submitting your application to the ZBA.

MELROSE BOARD OF APPEALS

Request Form for a List of Abutters from an Abutting Community

Applicants should use this form to request a list of abutters from a neighboring community, if applicable. This request is only required if the subject property of the application is within 300 feet of another city or town.

DATE: _____

TO: Assessor's Office in:

☐ Malden ☐ Medford ☐ Stoneham ☐ Saugus ☐ Wakefield

RE: Certified List of Abutters for Melrose Zoning ZBA Application

Dear Chief Assessor,

For the purposes of notification by mail of an application to the City of Melrose ZBA, please prepare a certified list of the abutters and owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line, of the property cited below, as they appear on the most recent applicable tax list.

Please provide a certified printed copy of the list of abutters and, if possible, send an electronic copy to the email address below. Thank you.

Applicant's Name: _____

Property Address: _____

Map & Parcel: _____

Home Phone: _____ Work Phone: _____

Email Address: _____

Notice to Applicant:

An electronic copy of the abutters list will facilitate the notification process. If you receive an electronic copy of an abutters list from a neighboring community, please forward it to appeals@cityofmelrose.org and reference the address of the property that is the subject of your ZBA Application. If mailing labels are provided, please include them with your application.