

ZONING BOARD OF APPEALS SUDBURY, MASSACHUSETTS

USE VARIANCE APPLICATION

GENERAL INSTRUCTIONS

To complete this application, you must fill in your name, address, telephone number, describe your property, answer several questions, and attach a plot plan, application fee, and advertising fee. Each item satisfies one or more requirements of the Sudbury Zoning Bylaw and Massachusetts General Law. If any answers or supporting documents are missing, your application may be rejected. It is recommended that Applicants obtain a copy of the Zoning Bylaw from the Town Clerk's Office or at the Town's website at www.sudbury.ma.us. The following suggestions will assist you in completing the application:

- Submit eight (8) hard copies of the application and supporting materials, and a single PDF via email of all application materials combined together. When submitting plans, please submit eight (8) hard copies measuring at least 11x17 inches in size.
- Please include copies of any correspondence with the Building Inspector which indicate your need for a Use Variance.
- The property information is a necessary part of the application. This is available at the Assessor's Office as are copies of maps of your neighborhood.
- A Context Map (such as that available through the Town's website) displaying the surrounding adjacent properties and a Plot Plan are required with your application. A Plot Plan consists of a drawing of your property with the location of all buildings, parking areas (including entrances and exits), septic systems, lot area, property boundaries, street and side yard setbacks, and street widths. In particular, please be sure to include:
 - The distance between your property boundary and any structure on adjoining property within 75 feet of this boundary.
 - The dimensions, wording, and locations of any existing or proposed signs.
 - The location and type of any exterior lighting.
 - The location of any screening, or visual or sound barriers required under the law.

The following contact information may be helpful in obtaining the information necessary for your application:

Zoning Board of Appeals – 978-639-3389 – Appeals@sudbury.ma.us

Health Department – 978-440-5479 – Health@sudbury.ma.us

Assessor's Office – 978-639-3393 – Assessor@sudbury.ma.us

Town Clerk's Office – 978-639-3351 – Clerk@sudbury.ma.us

Building Department – 978-440-5461 – Building@sudbury.ma.us

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THE PUBLIC HEARING

- You will be advised by mail of the time and place of the Zoning Board of Appeals public hearing for your application.
- All application submissions are subject to the Rules and Regulations adopted by the Zoning Board of Appeals in effect at the time of application.
- You, or a representative, must attend the public hearing. If you or your representative wish to submit supplemental materials, they may be delivered to the Zoning Board of Appeals at the hearing, but having this information several days in advance is preferable. The timely submission of materials will be accepted at the discretion of the Zoning Board of Appeals.
- At the public hearing, you or your representative will be asked to briefly review your application and to answer any questions from the Zoning Board of Appeals.

Please submit completed applications and supporting materials to:

**Town Clerk's Office
322 Concord Road
Sudbury, MA 01776**

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Case Number: _____ (To be Completed by Town Staff)
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PART I. APPLICANT INFORMATION

Name: _____

Address: _____

Telephone #: _____ Email: _____

PART II. OWNER INFORMATION

Name: _____

Address: _____

Telephone #: _____ Email: _____

PART III. SUBJECT PROPERTY INFORMATION

Address: _____

Town Assessor Map: _____

Area: _____ Frontage: _____ Zoning District: _____

Is the deed for this property recorded? Yes _____ No _____

If YES, Date: _____ Book #: _____ Page #: _____

Present Use of Property: _____

PART IV. DESCRIPTION OF REQUEST

a) Under what provision of the Zoning Bylaw is a Use Variance requested?

Article: _____ Section Number(s): _____

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b) Why is a Use Variance needed? _____

c) What are the special conditions for the proposal relating to the soil conditions, shape, or topography of the land or structures thereon, and especially affecting the land or structures, but not affecting generally the zoning district in which the land is located?

d) What is the substantial hardship to the owner, financial or otherwise, if the provisions of the Zoning Bylaw were to be literally enforced?

e) Why is there no substantial detriment to the public good if the Use Variance is granted?

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f) How does granting the Use Variance not nullify or substantially derogate from the intent or purpose of the Zoning Bylaw?

g) Have any Variances and/or Special Permits previously been requested?

Yes _____ No _____

If YES, Case #: _____ Applicant: _____

Approved _____ Denied _____

h) Has the time limit for a previously granted Use Variance expired? Yes _____ No _____

i) Before January 1, 1978, did a use of the same general classification as the requested Use Variance exist on lots adjoining the lot in question on both sides, or, if the lot in question is a corner lot, on both sides and the rear? Yes _____ No _____

j) Does the lot in question contain a lawful use of such nuisance characteristics as to render unreasonable any conforming use of the lot? Yes _____ No _____

Description: _____

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k) Does the lot in question have a lawful structure or structures in good repair and of appearance compatible with its vicinity which can reasonably be maintained as a visual and taxable asset only if some nonconformity of use is permitted? Yes _____ No _____

Description: _____

l) Is the extent of the use nonconformity as to floor space, bulk, number of occupants, or other relevant measure no greater than the minimum necessary to provide relief from the statutory hardship? Yes _____ No _____

Description: _____

m) Is the operation of the use nonconformity as to hours, noise, level of activity, or other relevant way so restricted as to assure compatibility with conforming uses in the vicinity?
Yes _____ No _____

Description: _____

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n) If you answered “Yes” to questions i) or j) above:

Is the use nonconformity on the lot in question no further from such prior adjoining conditions as the width of the lot or 100 feet, whichever is less?

Yes _____ No _____ NA _____

Will the use nonconformity be terminated within one year of the time when the adjoining conditions have been terminated? Yes _____ No _____ NA _____

o) Why does the Applicant believe the proposed use or building would be in harmony with the general purpose and intent of the Zoning Bylaw?

p) Why does the Applicant believe the proposed use would be located in an appropriate location, would not be detrimental to the neighborhood, and would not significantly alter the character of the zoning district?

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q) Why does the Applicant believe adequate and appropriate facilities will be provided for the proper operation of the proposed use?

r) Why does the Applicant believe the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or visual nuisances?

s) Why does the Applicant believe the proposed use would not cause undue traffic congestion in the immediate area?

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PART V. REQUIRED ATTACHMENTS

- \$100.00: Filing Fee (payable to the Town of Sudbury)
- Advertising Fee (payable to the Town of Sudbury) will be determined by publication cost.
- Plot Plan/Site Plan displaying the location of all buildings, parking areas (including entrances and exits), septic systems, lot area, property boundaries, street and side yard setbacks, and street widths
- Elevations, photographs, and other supplemental materials

PART VI. SIGNATURES

I certify all of the above answers are true to the best of my knowledge.

Applicant
Signature: _____ Date: _____

Property
Owner
Signature: _____ Date: _____
(if different from Applicant)