

**ANDOVER ZONING BOARD OF APPEALS**  
**APPLICATION / PETITION** (Revised Oct. 2014)

INCOMPLETE APPLICATIONS MAY BE DENIED

Applications must be typed or  
printed clearly in ink.

ZBA # (TOWN USE) Z-\_\_\_\_\_

**COMPLETE ALL APPLICABLE INFORMATION**

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

Mailing address: \_\_\_\_\_

Tel: \_\_\_\_\_ Email address: \_\_\_\_\_

Representative(s): \_\_\_\_\_

Mailing address: \_\_\_\_\_

Tel: \_\_\_\_\_ Email address: \_\_\_\_\_

Engineer/Builder/Other: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Tel: \_\_\_\_\_ Email address: \_\_\_\_\_

2. Owner Name + Address, as it appears on Deed,: \_\_\_\_\_

Tel: \_\_\_\_\_

Email address: \_\_\_\_\_

**-AND/OR-**

b) If applicant is not owner, check interest in the premises\*: Purchaser   
Lessee  Other  (explain): \_\_\_\_\_

3. Application from/under Article VIII, Andover Zoning By Law: (check all that apply)

For variance(s) from Section(s): \_\_\_\_\_

For special permit(s) under Section(s): \_\_\_\_\_

As a Party Aggrieved, for review of a decision made by the Building Inspector or other authority. [Attach Decision(s)]

For a Modification of Decision(s) # \_\_\_\_\_, or for an Extension of Decision(s) # \_\_\_\_\_ [Attach Decision(s)]

For a Comprehensive Permit under M.G.L. Ch. 40B for \_\_\_\_\_ (insert #)  
 rental -or-  ownership units (check one.)

4. Has there been any previous appeal to the Board involving these premises?  Y  N  
Decision#(s) \_\_\_\_\_ [Attach Decision(s)]

5. A. Primary Parcel(s) is/are  Vacant land /  building(s) (check as applicable):

1) Address(es): \_\_\_\_\_

- 2) Assessors Map No. (s) \_\_\_\_\_ Lot No. (s) \_\_\_\_\_
- 3) Lot Area \_\_\_\_\_, Frontage \_\_\_\_\_ feet
- 4) Zoning District(s) \_\_\_\_\_
- 5) North Essex County Registry of Deeds Book \_\_\_\_\_  
 Page \_\_\_\_\_ Land Court Certificate No. \_\_\_\_\_ (if applicable)
- 6) Date of purchase: \_\_\_\_\_

(IF land is also located in other towns/counties, please attach additional sheet.)

6. A. Date of construction of existing structure(s): \_\_\_\_\_.

B. Is this structure listed as an historic building? \*\*  Y /  N

\*\* (You MUST verify if the property is historic through the Zoning Office. If YES, you MUST submit an application to the Andover Preservation Commission or Ballardvale Historic District Commission, as applicable, for separate review.)

7. Description of proposed work, use, or decision being appealed (**attach** decision):

8. For variance list hardship circumstance(s) related to soil conditions, shape, or topography that prevent zoning compliance &/or special permit data &/or Party Aggrieved argument (see Instructions for Petitioners Filing to appear before the ZBA #2 &/or #4):

I agree to pay the non-refundable fees for legal advertising, registry recording & administrative expenses.

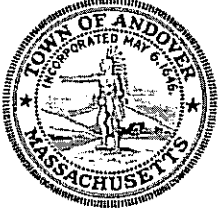
\_\_\_\_\_  
 Date Signature of Applicant(s)\*

\_\_\_\_\_  
 Date Signature of Property Owner(s) [if other than applicant]

\* (If other than owner, a Letter of Authorization with the owner(s) original signature(s) must accompany application in order to file.)  
 For further instructions, please refer to "General Filing Requirements Andover Board of Appeals", "Instructions for Petitioners filing to appear before The Zoning Board Appeals", Article VIII, Andover Zoning By Law, Mass. General Law Chapter 40A, &/or Chapter 40B.

ONLY EXACT COPIES OF THIS FORM ARE ACCEPTED. NO ALTERATIONS ARE PERMITTED. ANY ALTERATIONS RENDER THIS FORM NULL AND VOID.

Use additional sheets if necessary.



TOWN OF ANDOVER – Zoning Board of Appeals  
36 Bartlet St.  
Andover, MA 01810  
978-623-8315  
[www.andoverma.gov](http://www.andoverma.gov)  
[zoning@andoverma.gov](mailto:zoning@andoverma.gov)

GENERAL FILING REQUIREMENTS  
ANDOVER ZONING BOARD OF APPEALS

READ ALL INSTRUCTIONS BEFORE SIGNING & FILING

**\*See Article VIII, Zoning By Law for more specific filing requirements for:** Wireless Communication Facilities § 6.1, Dimensional Special Permit for Affordable Housing § 7.8.6 or Dimensional Special Permit for Historic Preservation § 7.9.7\*  
M.G.L. Ch. 40B **Comprehensive Permits filing requirements** : see secretary.

**ALL OTHERS:**

1. APPLICANT must submit ***the original + 9 copies*** of the application (10 total), *to be filed with the Board of Appeals*, along with ***the original + 1 copy of this page (2 total)*** signed & dated. ***Petitioners should retain their own copies of all pages/plans.***
2. If the parcel in question abuts another town, Petitioner must obtain a **Certified Abutters List** for all abutting properties *outside* of Andover from the respective town(s). Petitioner must submit a copy of the **Certified Abutters List(s)** to the Andover ZBA *at the time of application* in order to ensure proper notification per Mass. General Law Chapter 40A, Section 11.
3. The application ***must*** be accompanied by **10 certified plot plans** prepared on a scale of not less than 1" = 100' & shall have indicated thereon the location of *all* existing structures, *all* abutting streets, roads or ways, wetlands (as defined in MGL Chapter 131, Section 40) & the ownership of the parcel in question. ***Plan sheets shall be no larger than 18"x24" if possible. IF a mortgage inspection plan is submitted, the hearing may be continued until a certified plot plan has been received.***
4. The plot plan must be certified by a registered civil engineer or registered land surveyor "and shall accurately show applicant's existing property line locations, existing building location(s) on the property and, if any, the proposed alteration(s) to those existing conditions", ***as well as the existing and proposed front, side and rear setbacks, and any circumstance which may have bearing on the application (i.e. soil conditions, shape, topography, or location of septic system, wetlands or easements).***
5. **10 sets of drawings\*** are **required** for an application that involves:
  - A) changes / additions to an **existing** building: the drawing shall include front, side & rear views to show proposed exterior changes to the structure & also the plan of any floor where additions or alterations are proposed, showing all entrances or exits, windows, interior partitions & doorways, stairways, chimneys & any other pertinent features.
  - B) a **proposed new structure**, the plans shall include front, side & rear view drawings, including all portions of the structure below grade, & floor plans of all proposed floors showing thereupon all entrances & exits, windows, interior partitions & doorways, stairways, chimneys & any other pertinent features.

*\*(Stamped drawings are required for Controlled Construction only, per Mass. Bldg. Code 780 CMR)\**
6. **INCOMPLETE APPLICATIONS** THAT ARE NOT ACCOMPANIED BY PLANS AS REQUIRED IN PARAGRAPHS 3, 4 & 5 ABOVE **MAY BE DENIED BY THE BOARD.**

(Revised October 2014)

*Sign, date & copy this page twice. Submit 1 copy + original to ZBA.*

7. A **non-refundable** fee payable to the *Town of Andover* shall be submitted at the time of application for the processing, advertising, & abutter notification, **PLUS a separate check payable to the Commonwealth of Massachusetts for recording of the decision at the Registry of Deeds** in Lawrence. Applications must be submitted no later than 1:00 p.m. on the filing deadline. [See **Filing Deadline Schedule**] Notices of hearings are advertised in the local newspaper on the 14<sup>th</sup> and 7<sup>th</sup> days preceding the hearing. No advertisements will be scheduled for publication unless the Office of the Board of Appeals is in receipt of the above-enumerated pertinent data.
8. Hearings of the Board of Appeals are held on the first Thursday of every month in Conference Room A, 3<sup>rd</sup> Floor, Town Offices, 36 Bartlet Street, Andover at 6:30 P.M., unless otherwise notified.
9. State Law requires a Super Majority (4-1) vote to pass, not a Simple Majority (3-2) vote.
10. Decisions made by the Board of Appeals are filed with the Town Clerk *after* written *and* reviewed by *all* Board Members voting on the petition. Once filed with the Town Clerk, a copy of the decision is mailed to the Petitioner. 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.**
11. The Town of Andover will record a copy of the Decision in the North Essex Registry of Deeds, Lawrence. No variance or special permit shall take effect until the Decision is recorded in said Registry.
12. A Variance must be exercised *within one year* of the date the decision was filed with the Town Clerk of grant of such Variance. A Special Permit must be exercised *within two years* of the date of grant of such Special Permit. If the rights are not so exercised within the specified period, the Variance &/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.
13. Any project that requires Site Plan Review pursuant to Section 9.5 of the Andover Zoning By-Law shall be submitted with the necessary application materials to the Planning Board Office.
14. The Petitioner or their representative **must** appear and present the petition at the public hearing.
15. **A signed letter of consent is required from the property owner for any petition filed by anyone other than the owner. The property owner must sign all documents part of the application.**

I have read, understand and agree to comply with all of the above requirements.

SIGNED: \_\_\_\_\_  
(Property Owner **must** sign per #15 above)

DATED: \_\_\_\_\_

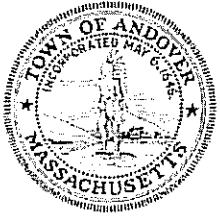
SIGNED: \_\_\_\_\_  
(Applicant, if other than Property Owner)

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
(Representative, if applicable)

DATED: \_\_\_\_\_

**Applications must be submitted in person. ABSOLUTELY NO APPLICATIONS WILL BE ACCEPTED OR PROCESSED VIA (E) MAIL OR FAX. ONLY EXACT COPIES of this form are accepted. NO ALTERATIONS ARE PERMITTED. ANY ALTERATIONS RENDER THIS FORM NULL AND VOID.**



KEEP FOR YOUR RECORDS / DO NOT RETURN TO ZBA

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## INSTRUCTIONS FOR PETITIONERS

### FILING TO APPEAR BEFORE

### THE ZONING BOARD OF APPEALS

1. Please review *all* rules and regulations of the Authority prior to appearing before the Board.
2. To be granted a *variance*, 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.
3. In order to expedite consideration of your appeal, include *all* factors that may be relevant to the question of hardship set forth in paragraph 2 above & in question 8 on your application. Be prepared to explain the factors of the hardship at the public hearing.
4. If your petition is for a *special permit* rather than a variance, be prepared to present data to show that the *public convenience and welfare will be substantially served* by granting the permission requested; that the permission requested *will not tend to impair the status of the neighborhood*; that the permission requested *will be in harmony with the general purposes and intent of the regulations of the Zoning By-Laws*.
5. Any person filing as a *Party Aggrieved* by the decision of the Inspector of Buildings or other authority must *present the factors* that may be *relevant to their appeal of said decision*, as well as a copy of the Inspector's decision that is being appealed.
6. 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.

<b><u>All fees are paid at time of filing.</u></b>	<b>Filing Fee* +</b>	<b>Legal Advertisements*</b>	<b>Registry of Deeds Recording Fee</b>
1 & 2 Family Residential	\$100	\$140	<b>\$75</b> Payable <u>ONLY</u> by check to <b><u>'Commonwealth of Massachusetts'</u></b> Collected upon application to the ZBA
Multi-unit Residential	\$250 + \$25/unit		
All others	\$250		
Comprehensive Permits	\$500 + \$0 (public/local initiatives) \$25/unit (non-profit org) \$50/unit (ltd dividend org)		
Signs	\$100		
Party Aggrieved			

**NOTE:** Fees are **subject to change** to cover the cost *at the time of advertising & recording.*  
***\*Payable by cash, credit card or check to 'Town of Andover'.***

<b><u>ZBA FILING DEADLINE DATE</u></b>	<b><u>ZBA MEETING DATE*</u></b>
December 14, 2015	January 7, 2016
January 11, 2016	February 4, 2016
February 8, 2016	March 3, 2016
March 14, 2016	April 7, 2016
April 11, 2016	May 5, 2016
May 9, 2016	June 2, 2016
June 13, 2016	July 7, 2016
July 11, 2016	August 4, 2016
August 8, 2016	September 1, 2016
September 12, 2016	October 6, 2016
October 11, 2016	November 3, 2016
November 7, 2016	December 1, 2016
December 12, 2016	January 5, 2017