

AMESBURY ZONING BOARD OF APPEALS

APPLICATION FOR AN APPEAL

Instructions

Failure to submit the required information within the time prescribed may result in a dismissal by the Zoning Board of Appeals (ZBA) as an incomplete application. The information herein is an abstract of the specific requirements listed in the ZBA's Rules and Regulations and does not supersede them.

The Office of Planning and Development will complete steps that are underlined.

All required information and documentation shall be submitted no less than thirty-(30) days prior to the anticipated public hearing date.

Step 1: Administrator Permit Denial:

Any person as defined by MGL Chapter 40A Section 8 that is aggrieved by reason of his inability to obtain a permit from the Inspector of Buildings under the provisions of this ordinance or by order or decision of the Inspector of Buildings may make an appeal to the Zoning Board of Appeals.

Step 2: Appeal Application Form and Submittal:

Pursuant to M.G.L. ch.40A sec.8 & sec.15, and the Amesbury Zoning Bylaw Section X.H, appeals shall be made within thirty (30) days from the date of the order or decision that is being appealed by filing an application for an appeal, specifying the grounds thereof, with the City Clerk, who shall forthwith transmit copies thereof to such officer whose order or decision is being appealed, and to the Zoning Board of Appeals. The Inspector of Buildings shall forthwith transmit to the Zoning Board of Appeals all documents and paper constituting the record of the case in which the appeal is taken.

Step 3: Documentation Required:

Pages 3 and 4 of this application form, all required information, and written documentation (step 5) shall be completed and submitted by the applicant to petition the ZBA for an Appeal.

Step 4: Submittal of 10 Applications:

The applicant shall submit ten (10) application packages. Each application shall include pages 3 and 4 and all the required written documentation. One of the copies will be returned to the applicant after it has been stamped by the City Clerk.

Step 5: Written Documentation:

In accordance with M.G.L. ch.40A sec.8, & sec.15, and the Amesbury Zoning Ordinance Section X.H Appeals, a legibly written or typed memorandum addressing each of the following points shall be submitted.

Each point shall be clearly identified, factually supported, detailing all the facts that have been relied upon to support the Appeal.

- A. Applicant shall provide written documentation specifying the grounds thereof for filing the appeal.
- B. Facts relied upon shall support a finding that the applicant was aggrieved because of his/her inability to obtain a permit or enforcement action from the applicable administrative office.
- C. Facts shall also include reference to the applicable laws and reason why the applicant should obtain the permit or enforcement action and what remedy the application is requesting from the Zoning Board of Appeals.

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Step 6: Application filing fees:

An administrative fee of \$200.00 per application is required. A notification fee of \$0.98 for each party in interest and \$0.98 per petitioner will be charged after the abutters list is generated. Checks may be issued to the "City of Amesbury."

Step 7: List of Parties of Interest:

Once the petitioner submits the application, the Office of Planning and Development will request a certified list of Parties in Interest (abutter are defined as an abutter to an abutter within 300 feet) from the Assessor's Office. The public hearing notice will be sent to all Parties in Interest.

Step 8: Scheduling of Hearing and Preparation of the Legal Notice:

The Planning Office schedules the hearing date and prepares the legal notice for notifying the parties in interest as identified in M.G.L.s Ch. 40A Section 11, and for publication in the newspaper. The petitioner is responsible for the publishing fees.

Step 8: Delivery of Legal Notice to Newspaper: The Planning office will deliver the legal ad to a local newspaper for publishing if a MA billing address is included on the application, otherwise the applicant will be required to deliver the legal notice to the newspaper before the publishing deadline to pre-pay for the cost of the ad. THE COST OF THE LEGAL AD IS THE RESPONSIBILITY OF THE PETITIONER AND IS NOT INCLUDED IN THE FILING FEE. The newspaper will invoice the applicant directly.

Step 10: Public hearing before the Zoning Board of Appeals:

The petitioner should appear in his/her behalf or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of the petitioner, the ZBA shall decide on the matter by using the information it has otherwise received.

Step 11: Decision:

After the hearing and within 14 days of the close of said hearing, the decision will be filed with the City Clerk. The decision is mailed to the petitioner and a notice of the decision sent to all parties in interest.

Step 12: Recording the Decision:

The petitioner is responsible for recording the certified decision and all accompanying documents at the Essex County South Registry of Deeds in Salem, MA., and to forward a copy of the recording to the Planning Office.

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Petitioner: Name, address, and telephone number:

Phone _____

Owners of Land: Name, address, and telephone number, and number of years under this ownership:

Phone _____

Years owned land: _____

Location of Property:

Street Address: _____ Zoning District: _____

Assessor's: Map number: _____ Lot number: _____

Registry of Deeds: Book number: _____ Page number: _____

The petition for the Appeal is made under the Amesbury Zoning Ordinance Section X.H and M.G.L. ch40A, sec.8 & sec. 15.

The description as provided below shall be used for the purpose of the legal notice and decision. A more detailed description is required pursuant to the Zoning Board Rules and Regulations as cited on page 1 of this application.

The description of the request for the Appeal:

All information contained within this application will become a formal part of the Zoning Board of Appeals proceedings and decision. Any advice, opinion, or information given by any board member of any other official or employee of the City of Amesbury shall not be binding on the Board.

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Any advice, opinion, or information given by any board member of any other official or employee of the Town of Amesbury shall not be binding on the Zoning Board of Appeals. Every application for an Appeal shall be made on this form, which is the official form of the ZBA. It shall be the responsibility of the petitioner to furnish all supporting documentation with this application. The dated copy of this application received by the City Clerk or Planning Office does not absolve the petitioner from this responsibility. The petitioner shall be responsible for all expenses for ht filing, publishing, and abutter notification. Failure to comply with the application requirements, as cited herein and in the Zoning Board Rules and Regulations may result in a dismissal by the ZBA of this application as incomplete.

Petitioner and Landowner signature(s):

Signature_____

Print or type above name(s) here_____