

TOWN OF MILLVILLE
Millville, Massachusetts 01529-0703
ZONING BOARD OF APPEALS

VARIANCE APPLICATION

INSTRUCTIONS:

The ZBA application is designed to assist you in providing all the information necessary for the Board to readily assess what relief you are seeking from the Millville Zoning By-Laws.

In order for the ZBA to conduct an accurate review of your request, it is essential that you, the Applicant, provide the most complete and accurate description of what exists on the property and what is proposed for the property. All questions on the Application are to be answered completely and all required supporting materials shall be provided with the Application.

The Application must first be submitted to the ZBA before filing with the Town Clerk for a Pre-Filing review. Applications submitted to the ZBA which are deemed incomplete will not be approved for filing with the Town Clerk and will be returned for additional information.

A copy of the Building Inspector/Zoning Officer's opinion on the proposed activity that is subject of the Application must be provided with the Application.

A certified list of Abutters must be obtained from the Assessor's Office and submitted with the Application. Please allow time for your request to be processed by the Assessor's Office.

A check, made payable to the Town of Millville, in the amount indicated on the Application must be submitted with the Application.

The ZBA will hold a public hearing within sixty-five (65) days of the filing with the Town Clerk.

The ZBA will submit a notice of hearing in the newspaper to be published twice. The first published notice of hearing shall be a minimum of fourteen (14) days prior to the public hearing.

The notice of hearing will be prepared and mailed to the Applicant and all Abutters of the Applicant's property by the ZBA. The notice of hearing shall be sent a minimum of fourteen (14) days prior to the public hearing.

The ZBA has one hundred (100) days from the date of filing with the Town Clerk to make a decision. The decision of the ZBA will be filed with the Town Clerk within fourteen (14) days of the decision. The date of this filing with the Town Clerk is the official date of the decision.

There is a twenty (20) day appeal period that starts with the decision date filing. The appeal must elapse before the Town Clerk can certify the decision. During the appeal period, the ZBA's decision may be appealed to the appropriate appellate body. If an appeal is made, the Town Clerk cannot certify the decision until the appeal has been fully adjudicated.

Once the ZBA's approval of variance has been certified by the Town Clerk **the Applicant must have this approval recorded at the Registry of Deeds. Until this recording occurs, the Variance will not take effect.** Documentation of recording must be submitted to the Building Department and ZBA.



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Submittal Requirements

All required documents (and photos) must include ten (10) copies for distribution. Applications must be signed by the Applicant. If the Applicant is not the Owner, the Owner must also sign the Application and documentation to confirm Applicant's standing to apply for a variance.

Plans submitted shall be stamped and signed, as appropriate, by a MA-registered engineer, land surveyor, etc. All plans and representations must be consistent with plans and representations provided to other Boards for the same project.

Current, certified plot plans must be provided with at least the following shown:

- Existing and proposed conditions on the property, including location, size and description of all structures on the property
- Well and septic system location
- Property/building plan with square footage and dimensions
- Setbacks required by the Millville Zoning By-Law
- Setbacks distances of all structures from all property lines

APPLICANT BURDEN OF PROOF:

Applicants for a Variance are advised that their application submission and presentation in the public hearing must specifically address the following requirements (reference Massachusetts General Laws, Chapter 40A, Part I, Title VII, Section 10);

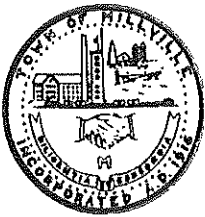
- Unique/peculiar soil conditions, shape, or topography of the land and structures especially affecting only the land and structures in question but do not affect generally the zoning district in which it is located.
- A literal enforcement of the Millville Zoning By-Law would involve a substantial hardship to the Applicant and that relief may be granted without nullifying or substantially derogating from the intent or purpose of the Millville Zoning By-Law.

CHECKLIST FOR APPLICATION SUBMISSION:

- ☐ A check for \$300.00 made out to the Town of Millville.
- ☐ A list of Abutters from the Assessor's office.

Ten (10) copies of the submission package including the following:

- ☐ Completed Variance Application Form.
- ☐ The Building Inspector/Zoning Officer's opinion related to the Application.
- ☐ The deed, land court certificate, and/or Certificate of title, showing all easements, right of way or other encumbrances.
- ☐ Certified Plot plan as described above.
- ☐ Building plans, if applicable, including dimensions, square footage, elevations, etc.
- ☐ Photographs of the subject premise/property, illustrating the proposed project area.
- ☐ The signed site access agreement form.
- ☐ All pertinent information that will provide the ZBA necessary information about the application.



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VARIANCE APPLICATION FORM

(PLEASE ANSWER ALL THE FOLLOWING, USE ADDITIONAL PAGES IF NECESSARY)

Applicants Name: _____

Applicants Address: _____

Contact Phone # (s): _____

Email Address: _____

Applicant Is: ☐ Owner ☐ Tenant ☐ Contractor ☐ Prospective Buyer ☐ Other

Property Owner's Name: _____

(If different from Applicant)

Property Owner's Address: _____

(If different from Applicant)

Property Owner's Contact Phone # (s): _____

(If different from Applicant)

Address of Property: _____

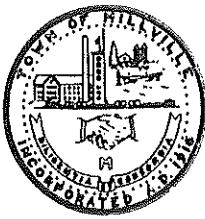
Zoning District of Property: _____

Map and Lot Identification: _____

Section(s) of the Zoning Regulations Petition is Regarding: _____

Specific Relief Requested: _____

(Use Additional Pages as Necessary)



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Please List any Applicant representatives who will be present or will prepare materials for the Public Hearing:

Name	Role*	Phone Number

*(e.g., Attorney, Architect, Contractor, etc., use additional pages as necessary)

Have any prior variances or special permits been granted for this property? ☐ Y ☐ N

Are there any outstanding enforcement actions or regulatory issues related to this property or have there been any such issues related to this property at any time in the past five years?
☐ Y ☐ N

If yes to either of the above, please provide details on a separate sheet.

I hereby request a hearing before the Zoning Board of Appeals regarding the above petition.

Signature of Applicant: _____

Date: _____

Signature of Owner: _____

Date: _____

ZBA Use Only	Town Clerk Date & Time Stamp
Application Pre-Filing Date: _____	
Application Filing Date: _____	
Initial Public Hearing Date: _____	
100 Day Period Expiration Date: _____	



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SITE ACCESS AGREEMENT

By submitting this form with an Application to the Zoning Board of Appeals (ZBA), I _____, hereby give the ZBA, and/or Staff to the ZBA, access to the property to complete a site visit, if determined necessary. The ZBA, and/or Staff to ZBA, may also determine and request the necessary site visits from other Town of Millville Boards, Staff, Committees, and/or Consultants. Notice of a site visit will be provided twenty-four to forty-eight hours in advance.

This site access agreement is made by _____, who is the applicant.

If the applicant is not the property owner, a signature of the property owner is required.

This site access agreement is agreed to by _____, who is the property owner.

The property is located at _____

Signature of Applicant: _____

Date: _____

Signature of Property Owner: _____

Date: _____