



# City of Lynn Zoning Board of Appeals

Application Date: \_\_\_\_\_

The undersigned hereby petitions the Board of Appeals for the following (check one):

Appeal \_\_\_\_\_ Variance \_\_\_\_\_ Special Permit \_\_\_\_\_

Subject Property: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Suffix: \_\_\_\_\_

Petitioner's Name: \_\_\_\_\_ Address: \_\_\_\_\_

Petitioner's Name: \_\_\_\_\_ Address: \_\_\_\_\_

Petitioner's Name: \_\_\_\_\_ Address: \_\_\_\_\_

Brief Description of Work: \_\_\_\_\_

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Signature of Applicant: \_\_\_\_\_

Signature of Agent or other Representative acting for Petitioner: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Application Fee: \_\_\_\_\_

# City of Lynn Zoning Board of Appeals

## ZONING APPLICATION CHECK LIST

Please collect the indicated materials, which make up an application to the Board of Appeals. Incomplete filings will not be accepted for processing and scheduling. Hearing dates are not assigned in advance.

The complete set of documents is filed with the Inspectional Services Department, Building Division, who will collect the filing fee at the time of filing.

Multiple copies are required for review by appropriate Zoning Board of Appeals members. Office staff will calculate how many copies of the materials will be required. All duplicate copies should be left in the Zoning Board of Appeals Office, Inspectional Services Department, Building Division at the same time of filing.

### Filing Fees:

Advertising/ mailing fees: \_\_\_\_\_ \$100.00

Appeals: \_\_\_\_\_ \$200.00  
(Pursuant to MGL Ch 40A)

Variances: \_\_\_\_\_ \$300.00  
(Pursuant to MGL CH 40A)

Special Permits: \_\_\_\_\_ \$200.00  
(Pursuant to Section 13.5.2 Lynn Zone Ordinance)

Certified Checks/non refundable required

Application for Hearing:

Supporting Statements – Requested Findings:

Evidence of Standing to Seek Relief:

- Deed of Certificate of Title.
- Signed Option of Purchase.
- Lease of Property Owner's Authorization Letter.
- Authorization of Condo Association Authorization Letter if Applicable.
- Certification Sheet – Abutter's List (See Attached Sheet)

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Plot Plan: Shall show scale, north arrow, lot dimensions and area, existing building and structures. Include topography, flood plain, wetlands and other features as relevant.

Plan(s): Plan shall show scale, north arrow, dimensioned location of all improvements, including floor areas, elevations. Include if applicable, physical features, off-street parking plan, landscape plan, grading, drainage and lighting plans.

Note: For site plan review the plans shall be endorsed by a registered professional engineer or architect licensed in Massachusetts.

List all prior Zoning Board of Appeals actions relating to this property; include date (s), Docket #s, Subject of the Application, and Decisions.

Photos: Photos of each side of the Building (4 photos) are required.

Letter of permission from landlord is required for tenant for Special Permit for Home Occupation.

Any application, which has been filed with the Board of Appeals, may be withdrawn, without prejudice to the applicant, prior to the publication of notice of a public hearing thereon. The filing fee shall be refunded, with the exception of a \$50.00 processing fee. Thereafter, an application may be withdrawn without prejudice only with the approval of the Board of Appeals.

Any communication to the Board of Appeals proposing to be an application, appeal, or petition, shall be regarded as mere notice of intention to seek relief, and shall be of no force unless it complies with the requirements of these rules.

Note: The rights authorized by a special permit expire two (2) years from the date the decision is filed with the City Clerk, unless exercised or extended in accordance with the terms of MGL 40A Sec. 9.

\_\_\_\_\_  
Signature of Petitioner/Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

Please attach additional sheets of space provided is insufficient.

City of Lynn  
Zoning Board of Appeals

MASSACHUSETTS GENERAL LAW

CHAPTER 40A, SECTION 10

THE PERMIT GRANTING AUTHORITY SHALL HAVE THE POWER AFTER PUBLIC HEARING NOTICE HAS BEEN GIVEN BY PUBLICATION AND POSTING AS PROVIDED IN SECTION 11 AND BY MAILING TO ALL PARTIES IN INTEREST TO GRANT UPON APPEAL OR UPON PETITION WITH RESPECT TO PARTICULAR LAND STRUCTURES A VARIANCE FROM THE TERMS OF THE APPLICABLE ZONING ORDINANCE OR BY-LAW WHERE SUCH PERMIT GRANTING AUTHORITY SPECIFICALLY FINDS 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 AFFECTING 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. EXCEPT WHERE LOCAL ORDINANCES OR BY-LAWS SHALL EXPRESSLY PERMIT VARIANCES FOR USE, NO VARIANCE MAY AUTHORIZE A USE OR ACTIVITY NOT OTHERWISE PERMITTED IN THE DISTRICT IN WHICH THE LAND OR STRUCTURE IS LOCATED PROVIDED HOWEVER, THAT SUCH VARIANCES PROPERLY GRANTED PRIOR TO JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-SIX BUT LIMITED IN TIME, MAY BE EXTENDED ON THE SAME TERMS AND CONDITIONS THAT WERE IN EFFECT FOR SUCH VARIANCE UPON SAID EFFECTIVE DATE.

City of Lynn  
Zoning Board of Appeals

CERTIFICATION SHEET

BOARD OF APPEALS UNDER THE ZONING BY-LAW  
INSPECTIONAL SERVICES DEPARTMENT/BUILDING DIVISION  
3 CITY HALL SQUARE, ROOM 401  
LYNN, MA 01901

RE: \_\_\_\_\_

MAP: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_

MEMBERS: \_\_\_\_\_

Pursuant to the provisions of Section 11 Chapter of the General Laws, we hereby certify that the list attached hereto is a true list of names and addresses of abutters concerning a matter to be heard by your Board and involving the afore-mentioned property.

As used herein the term "abutter" means:

- Owner of adjoining land
- Owners of land directly opposite on any public or private street or way
- Abutters to abutters within three hundred (300') feet of the property line on the locus
- All as they appear on the most recent applicable tax list.

\_\_\_\_\_  
BOARD OF ASSESSORS

\_\_\_\_\_  
CERTIFICATION DATE

# City of Lynn

## Zoning Board of Appeals

### TIMELINE FOR THE ZONING BOARD OF APPEALS VARIANCE PROCESS

- DAY 0 Building Commissioner receives completed application and date stamps it.
- Prior to the public hearing - Notices of the public hearing are sent to the applicant and abutters.
- At least fourteen (14) days before the public hearing – The 1<sup>st</sup> notice is published in the Lynn Item and posted in City Hall.
- One week before the public hearing: The 2<sup>nd</sup> notice is published in the Lynn Item.
- No later than 65 days after receipt of a complete application: Public hearing is held – any later than 65 days requires a signed agreement between the applicant and the ZBA.
- 100 Days after the filing of the variance application: Last day for the ZBA to vote. The written decision must be filed with the ‘City Clerk’ with 14 days of the vote. If no decision is made, the applicant may obtain a constructive grant by applying to the City ‘Clerk’.
- The Secretary of the Board of Appeals has 10 Business Days to file the minutes of the Meeting with the City Clerk.
- 20 Days after a decision is filed with the City Clerk: The Appeal period for interested party’s ends. Appeals are filed with both the City Clerk and ZBA. If no appeal is filed and the variance was granted it takes effect at the end of the 20-day appeal period.

\* NOTE: THE VARIANCE LAPSES ONE YEAR FROM THE OF THE DECISION UNLESS ACTION IS TAKEN UPON THE GRANTED VARIANCE.