



# City of Fall River Zoning Board of Appeals

One Government Center • Fall River, MA 02722

**Revised: June 20, 2019**

## APPENDIX A

CITY OF FALL RIVER

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### ZONING BOARD OF APPEALS RULES AND REGULATIONS and APPLICATION INSTRUCTIONS

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Applications intended to be heard before the Fall River Zoning Board of Appeals must be submitted, in full, to the Planning Department in accordance with these instructions:

**SUBMISSION:** All completed applications must be submitted to the Planning Department whose office is located on the fifth floor of the Government Center. Blank applications may be picked up from the Planning Department. Applications to the Board of Appeals are intended to seek relief from the City's Zoning Ordinance based on a determination rendered by the Zoning Enforcement Officer [Building Official].

**PURPOSE OF RELIEF:** There are three forms of relief which a potential applicant may seek from the Board of Appeals: *a variance*, *a special permit*, and an *appeal of an action of the Zoning Enforcement Officer*. A variance is generally relief from a specific tenant of the Zoning Ordinance—if compliance with a use or dimensional requirement cannot, in the eyes of the applicant, be met. Variances are requested as means of allowing permission for something that is prohibited by the Zoning Ordinance. Special permits, on the other hand, are typically uses which are permitted under the Zoning Ordinance, but which require Zoning Board review and approval on prior to their allowance. Finally, actions of the Zoning Enforcement Officer may likewise be directed to the Board of Appeals for their consideration.

**CONTENTS OF COMPLETE APPLICATIONS:** In order to be placed on an agenda, a potential applicant must submit 3 complete and collated application packets along with 4 copies of the site plan which include the following information:

- [a] **Application Form:** This two-page form should be the cover sheet of the packet and should be fully completed.
- [b] **Site Plan:** [need 4 copies] An 11" x 17" or greater scaled drawing of the site which the applicant wishes the Board to address. That information which is required to be part of any site plan is detailed on page 3. No matter what size the plan is, it must be folded into an 8 ½" x 11" format and attached to the application. [The preferred size is 17" x 22"].

- [c] **Letter from Code Enforcement Office:** A copy of the letter submitted to the applicant from the Code Enforcement Office described in what way the request differs from the Zoning Ordinance.
- [d] **Letter from the Applicant:** A copy of the letter prepared by the Code Enforcement Office on the applicant's behalf describing the requested relief.
- [e] **Abutter's List:** A list of those current property owners who, based on the most recent listing in the Assessor's Office, directly abut the subject property. This list shall also include the abutters to the abutters and properties directly across the street. The Abutter's List must be certified by the Assessor's Office. [Please contact the Planning Department at (508) 324-2561 for further information if needed.]
- [f] **Application Fee and Legal Notice Cost: A check or money order** made out to the City of Fall River for the filing fee and late fee if applicable,. (see attached fee schedule) **(Cash will not be accepted)**  
  
The cost of the Legal Notice shall be the responsibility of the Applicant. The Planning Department will prepare the legal notice, get the estimated cost from the newspaper and notify the applicant of the cost. The applicant shall provide the Planning Department with a check or money order to cover the Legal Notice advertisement prior to the public hearing date or the application will not be heard until payment is received. **(Cash will not be accepted)**
- [h] **Tax Certification:** All city taxes and fees shall be paid prior to filing an application. Form Tax-1 shall be filed with the application and signed by the owner and applicant. This form may be obtained from the City Collector's Office – 2<sup>nd</sup> Floor.
- [i] **Other information:** Any additional information such as photographs, deeds, etc., which the applicant may deem helpful to the Board in rendering a decision on this matter can be submitted to the Board at the Hearing.

**FILING REQUIREMENTS:** All applications must be submitted in a collated, 8 ½" x 11" [folded if necessary] manner. Again, rolled site plans or applications deemed incomplete will not be accepted for hearing before the Board. Once the applicant or his/her representative believes they have satisfied the application requirements, it is asked that they present the information to the Planning Director for a determination as to completeness. If complete, the applicant will be asked to go down to the City Clerk's Office on the second floor and have the application[s] time stamped. The application may then be turned in to the Planning Department and scheduled for the next hearing. *Again, incomplete applications—as determined by the Planning Director based on these instructions—will not be accepted for hearing before the Board of Appeals or may not be heard or may be unfavorably acted upon.*

**NOTICE REQUIREMENTS:** Under Massachusetts State Law, the City of Fall River is required to send notification of all requests before the Board of Appeals to abutting property owners and neighboring communities. Likewise, notification of the agenda item must appear in the newspaper. Once a completed application has been logged in, the Planning Department handles these notification requirements on the applicant's behalf. Improper notification could

result in possible legal challenges; therefore, to save the applicant this burden, the Planning Department will enforce the submission requirements outlined here.

**ASSISTANCE:** Questions regarding the application packet, deadlines, and upcoming meetings may be directed to the Planning Department at (508) 324-2561. [Questions relating to abutters list may be directed to the Assessor's Office. at (508) 324-2300]

**DEADLINE:** All completed applications must be submitted to the Planning Director by the fourteenth of the month—preceding the month in which the application will be heard, i.e. submission would be required by March 14<sup>th</sup> for the April meeting. Petitions filed after the fourteenth but no later than the twentieth may at the request of the applicant be placed on the agenda for the following month's meeting provided the applicant pays in addition to the applicant's fee a late fee of \$125.00. Where the fourteenth or the twentieth falls on a day when the City Offices are closed, the next business day will serve as the deadline.

**AGENDA:** Unless waived by the Chairperson of the Board agendas shall be limited to 15 petitions.

## **SITE PLAN REQUIREMENT**

As indicated on page 1 of these instructions, a site plan must be submitted as part of a complete application packet.

**All plans submitted to the Board shall be prepared, stamped and signed by a registered land surveyor. For all petitions requesting a division of property the plans shall be based upon a field survey completed by a registered land surveyor.**

Applications containing plans that fail to meet all site plan requirements may, at the discretion of the Planning Director, be rejected. The Planning Department will make applications and plan requirements available to applicants but due to staffing constraints, Planning personnel cannot assist in the preparation of the application or plans.

All site plans must be **computer generated**, clear, coherent, complete and drawn to a scale which clearly demonstrates what is happening on the subject parcel of land. The Zoning Board of Appeals will not act favorably upon any request for which the plans are not clearly or accurately drawn. Questions regarding scale may be directed to the Planning Director.

The following information is additionally required on each site plan:

- ◆ Street Lines and Street Names
- ◆ Lot Boundaries, Dimensions, Area [in square feet] and Setbacks from all property lines to existing and proposed structures.
- ◆ Footprint **and address** of all existing [and proposed] structures on site and on abutting sites (*including abutter to abutter sites*) including an indication of use and

any modifications to existing structures that may be made on the subject site.

**Structures on the site shall be measured and drawn to scale. Structures on abutting properties shall be drawn in a manner that fairly represents their size and location.**

- ◆ Dimensions of proposed structures shall be shown.
- ◆ Existing and/or proposed off-street parking and any paved driveways or areas on the site.
- ◆ A notation as to the height/visual appearance of the existing/proposed structure[s]
- ◆ The subject property, abutters, abutters to the abutters, and the properties directly across the street shall be shown. Indicating the use, plot and lot number of each property
- ◆ A title block with the following information:
  - Applicant's name and address
  - The address of the subject property
  - The Book and Page Number of the subject property as recorded in the Registry of deeds
  - The Assessor's lot number
  - Name of individual who prepared the plan
  - Scale, both graphic and written, of the plan
  - North Arrow
  - Zoning District
  - Requested Relief