

Fee\$ \_\_\_\_\_

Case No. \_\_\_\_\_

### APPLICATION TO BOARD OF APPEAL

Plans and documents must be filed with this application.  
This application must be filed in duplicate with both signed.

Appl. # \_\_\_\_\_

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

Ward # \_\_\_\_\_

*To the Members of the Brockton Board of Appeal:*

The undersigned hereby applies for relief from the terms of the ZONING ORDINANCE on the property as described below:

Location of property (street address) \_\_\_\_\_

Assessors Plan: \_\_\_\_\_ Plot No: \_\_\_\_\_

District is Zoned for: \_\_\_\_\_

Type of structure (existing and/or proposed) \_\_\_\_\_

Owner of Record name \_\_\_\_\_

Owner of Record address \_\_\_\_\_

Petitioner's name \_\_\_\_\_

Petitioner's address \_\_\_\_\_ Phone \_\_\_\_\_

Standing to apply:     Owner     Purchaser     Lessee     Other

When did you acquire this property? \_\_\_\_\_

Has application for Building permit been filed at Building Department? \_\_\_\_\_

Has any previous appeal to the Zoning Board of Appeals been made for this property?

Yes    Date \_\_\_\_\_    Disposition \_\_\_\_\_     No

Requested:     Special permit     Variance     Other \_\_\_\_\_

Section of Ordinance from which relief is Requested: \_\_\_\_\_

Reason for requesting Special Permit or Variance: \_\_\_\_\_

Other: \_\_\_\_\_

Signature of

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Phone No. \_\_\_\_\_

Correspondence Mailing Address: \_\_\_\_\_

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

#### BOARD'S DECISION

Application submit to Board \_\_\_\_\_ Hearing Date \_\_\_\_\_

Received by Building Department \_\_\_\_\_

Decision of Board \_\_\_\_\_

Special Permit/ Variance Application Certification by Owner:

I am the owner of the property for which this application is being filed and as such I am familiar with the work that is proposed for my property. I have reviewed the completed application and provided all the necessary information of the applicable City of Brockton Zoning Ordinances. I hereby give permission for this application to be filed with the full understanding that certain restrictions may be placed on the property relative to the approval of the proposed work I further recognize that the Planning Board may require a review of this application and plans by various licensed professional engineers and consultants and the Applicant shall be responsible for such costs and expenses, payable in advance. I further certify that under the penalties of perjury, I am authorized to sign this application.

Owner Name (Please Print): \_\_\_\_\_

Title: \_\_\_\_\_

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

Owner Signature: \_\_\_\_\_

If representing a group, corporation, or other organization, please attach a copy of the vote ... authorizing you to act on behalf of such organization for the purposes of this application.

# REQUEST FOR ABUTTERS LIST

Bring this Application to the **Assessor's Office** located in the basement of City Hall. A \$10.00 deposit fee will be charged for the request. There will be an additional fee of **.25 cents** per abutter for lists containing more than 40 abutters. **Abutter lists not picked up within 30 days of request will be subject to an additional \$10.00 filing fee.**

**BOARD OF ASSESSORS  
CITY HALL  
BROCKTON, MA 02301**

**TO WHOM IT MAY CONCERN:**

**PLEASE SUBMIT TO THIS OFFICE, A LIST OF ABUTTERS AND OWNERS OF THE ADJOINING LAND OF THE ABUTTERS, NOT TO EXCEED 300 FEET, TO THE PROPERTY OWNED BY:**

\_\_\_\_\_ **AND**

**LOCATED AT** \_\_\_\_\_

**MAP#** \_\_\_\_\_ **ROUTE #** \_\_\_\_\_ **PLOT** \_\_\_\_\_

Applicant \_\_\_\_\_

Telephone \_\_\_\_\_

Pick up Date \_\_\_\_\_

## ZONING BOARD OF APPEALS APPLICATION REQUIREMENTS

Any applicant or representative of the applicant who intends to appear at a hearing before the Board of Appeals shall submit **5 sets, 1 original, 4 copies (total of 5 sets) of all memos (step 11) plus plans, briefs, and supplemental materials** to the members of the board through the Zoning Clerk, no later than the filing date of the application. The Online Application must also be completed. **All application filings for the Zoning Board of Appeals must be submitted BEFORE 4:00 pm each day, EXCEPT on the filing deadline date which is at 3:00 pm.**

- 1. FILING FEE: Commercial \$160.00 Residential \$150.00**
- 2. ONLINE APPLICATION:** As of January 1<sup>st</sup>, 2024, **APPLICANTS MUST SUBMIT AN ONLINE APPLICATION.** <https://www6.citizenserve.com/Portal/PortalController>  
Additionally, please supply one hard copy of the application and plans to the Building Department.
- 3. LEGAL AD:** As of January 1<sup>st</sup>, 2024, Legal ads will be the applicant's responsibility. The Enterprise will email an invoice, and if prepayment is not received on time and a delay in the publication of the legal notice occurs, the Zoning Board of Appeals is prohibited to hear the case due to nonconformance with State Law. \*Make sure to check your SPAM Folder\*
- 4. ORIGINAL ABUTTERS LIST** from the Assessor's Office. See the attached request form (Fee required). You must be sure to apply for the abutters list **NO FEWER THAN FIVE DAYS PRIOR TO THE ZONING BOARD APPLICATION FILING DEADLINE.** The labels are given to the Building Department to mail out notices.

**The petitioner must make available to the Board, prior to the advertisement in the newspaper of the public hearing, a list of any and all abutters from the abutting Towns that are affected by the petition. The public hearing cannot be held without notification to the abutters.**

- 5. .88 cents per Abutter** for Notice mailing.
- 6. ORIGINAL GREEN MUNICIPAL LIEN CERTIFICATE** from the Tax Office (As per City Ordinance). **\*\*NOTE:** M.L.C. may take a few weeks to obtain. **\*\*** (Taxes must be paid up to date of the application deadline).
- 7. CERTIFIED SITE PLAN** One (1) 24 X 26 copy must be submitted, showing a Locus Map, North Point, Dated and drawn to scale, also showing any relevant items following:
  - a. Boundaries and Dimensions of Property.**
  - b. Width and name of street or streets which lot(s) abut(s), and zoning district.**
  - c. Location and Dimensions of all buildings to be on site.**
  - d. Alterations to existing building or buildings.**
  - e. Location of Entrances and Exits of Driveways and Parking Spaces.**
  - f. Location of Sewer, Water, and Drainage Facilities.**
  - g. Elevations at discretion of Building Inspector.**
  - h. Postal Address of subject location.**
  - i. Suitable Landscaping as per Ordinance.**
  - j. Architectural renderings or photographs of similar projects will assist the Board in making their decision.**

In case of alteration of or addition to existing property of construction on a vacant lot, One (1) set of photographs showing all four sides of the premises **must** be furnished, (These may be photos taken by owner).

- 8. FLOOR PLANS** one (1) 11 X 17 copy drawn to scale must be submitted.

9. **ZONING BOARD APPLICATION** completed, **TYPED OR LEGIBLY PRINTED**, and referencing any specific ordinance(s) for which relief is being sought.
10. If a Variance or Special Permit is granted, it is the petitioner's responsibility to have the minutes recorded in the Plymouth County Registry of Deeds. The petitioner must forward a Registry of Deeds Recordation Receipt to the Building Department as proof of recording.
11. Please provide a memo document explaining the reason and hardship for your Variance or Special Permit.
12. If all of the forgoing is not furnished, the Applicant may be rejected for lack of information.

Only completed applications will be assigned for a hearing date.

**IF THE ZONING BOARD OF APPEALS GRANTS THE REQUEST, THERE IS A 20-DAY APPEAL PERIOD FROM THE DATE THE MINUTES ARE RECORDED IN THE CITY CLERK'S OFFICE, NOT FROM THE DATE OF THE MEETING.**

**ATTENTION:**

Any appeal pertaining to the following must contact the License Commission if granted:

- Restaurants (sit down)**
- Lodging Houses**
- Used Car Dealers**
- Package Stores (including Beer and Wine)**

**\*\*\*\*\*All Restaurants (sit down or take out) must go to the Board of Health. \*\*\*\*\* REQUIRED BY SECTION 18 OF CHAPTER 40A M.G.L.**

**ZONING BOARD OF APPEALS  
CITY OF BROCKTON  
(ADOPTED MAY 13, 1975)**

**ARTICLE I-ORGANIZATION**

**Sec. 1 OFFICERS**

At the first regular meeting following the confirmation of the annual appointees, the Board shall elect all officers of the Board to include a Chairman, Vice-Chairman, and Clerk. Alternates do not participate in this act.

**Sec. 2 CHAIRMAN: POWERS AND DUTIES**

The Chairman shall vote and be recorded on all matters coming before the Board. Subject to these rules, he shall decide all points of order, unless overruled by a majority of the board in session at the time. He shall appoint such committees as may be found necessary or desirable.

In addition to powers granted by general laws and local ordinances, and subject to these rules and further instructions of the Board, the chairman shall transact the official business of the Board, supervise the work of the clerk, request necessary help, direct the work of all subordinates, and exercise general supervisory power. He shall at each meeting report on all official transactions that have otherwise come to the attention of the Board.

**Sec. 3 VICE-CHAIRMAN**

The vice-chairman shall act as chairman in the case the chairman is absent, disabled, or otherwise unable to perform his duties.

**Sec. 4 CLERK**

The clerk shall be the Building Inspector of the City of Brockton and is a non-voting member of the Board, designated by the Board. Subject to the direction of the Board and its chairman, he shall supervise all of the clerical work of the Board including: all correspondence of the Board, sending of all notices required by law and the rules and orders of the Board, receive and scrutinize all applications for compliance with the rules of the Board, keep dockets and minutes of the Board's proceedings, compile all required records, maintain necessary files and indexes, and call the roll at all Board meetings.

**Sec. 5 ALTERNATE MEMBERS**

The chairman of the Board may designate an alternate member from the list of approved alternates to sit on the Board in case of the absence, inability to act or conflict of interest on the part of any Board member. Alternates are to be designated by the chairman on a rotating basis to insure that each approved alternate will have an opportunity to participate.

**ARTICLE III  
(RESERVED)**

## **ARTICLE IV DISPOSITION BY THE BOARD**

### **Sec. 1 VOTING REQUIREMENT**

The concurring vote of at least four members of the Board shall be necessary in any action taken by the Board.

The record shall show the vote of each member upon each question, or if absent or failing to vote, indicate such fact. It shall, in addition, set forth clearly the reason or reasons for its decisions related to the necessary statutory requirements.

### **Sec. 2 WITHDRAWAL**

An application may be withdrawn by notice in writing to the Clerk at any time prior to the hearing by the Board.

### **Sec. 3 RECONSIDERATION**

Once a petition has been voted upon and the meeting adjourned, there shall be no reconsideration of a decision of the Board.

### **Sec. 4 REAPPLICATION (only applicable is Sec. 16 of Chapter 40A accepted)**

In order to have a petition reheard within two years, the petitioner must request permission from the **Planning Board**, showing new evidence that substantially alters the conditions of the petition. At least a majority of the Planning Board must agree that this condition has been met. Once the Board agrees, **the petitioner must reapply to the Board of Appeals in the normal manner.**

### **Sec. 3 PLAN TO ACCOMPANY PETITION**

- a. Each application and petition to the Board shall be accompanied by SEVEN (7) copies of the following described plan:

The size of the plan shall be drawn to scale; it shall have a North point, names of streets, Zoning districts, names of owners of properties within a scope of abutters of the subject property, property lines and locations of buildings on surrounding properties. The location of buildings or use of the property where a Variance is requested and distance from adjacent buildings and property line shall be shown on the plan. The dimensions of the lot and the percentage of the lot covered by the principal and accessory building, and the required parking spaces shall be shown. Entrances, exits and driveways, etc., that are pertinent to the granted of the Variance shall be shown. All proposed data shall be shown in **red** to contrast with existing structures, property lines, etc.

- b. The Inspector of Buildings may at his/her discretion waive the requirements of Article II, Section 3a. This waiver is not intended to weaken the provisions of Article II, Section 3a, but does allow for good

judgment in cases where specific plans are not necessary for the Board to make a fully informed decision.

#### **Sec. 4 FEES**

Cash or a check made payable to the **City of Brockton**, in the amount of \$150.00 for residential and \$160.00 for commercial shall accompany all applications.

#### **Sec. 5 BRIEF TO THE BOARD**

It is recommended that every appeal and every application for a Variance or Special permit be supported by a brief setting forth in detail all facts relied upon by the parties. This is particularly desirable in the case of a Variance when the following points, based on General Laws, Chapter 40A, Sec. 15, should be clearly identified and factually supported.

- a. The particular use proposed for the land or building.
- b. The conditions especially affecting the property for which a Variance is sought which do not affect generally the zoning district in which it is located.
- c. Facts which make up the substantial hardship, financial or otherwise, which result from literal enforcement of the applicable zoning restrictions with respect to the land or building for which a Variance is sought.

#### **Sec. 6 ADVISORY MEMBER**

The City Planner of the City of Brockton shall be invited to attend all meetings and given the opportunity to express his opinion on matters where his expertise applies.

#### **Sec. 7 QUORUM**

Four members (regular/alternate) require to be present for a quorum.

#### **Sec. 8 REGULAR MEETINGS**

Regular meetings for the Board of Appeals shall be held at 6:00pm on the second Tuesday of each month, in the Council Chambers of City Hall, Brockton, MA. If a regular meeting day falls on a holiday or election day or the like, the meeting will be held as soon as convenient following the regularly scheduled date.

#### **Sec. 9 SPECIAL MEETINGS**

Special Meetings may be called by the Chairman or at the request of two members. Written notice thereof shall be given to each member at least 48 hours before the time set, except that announcement of a Special Meeting at any meeting attended by all members shall be sufficient notice of such meeting. Notices shall be posted publically as required by the law.

**ARTICLE II  
APPLICATIONS TO THE BOARD**

**Sec. 1 APPLICATION FORM**

Every application for action by the Board shall be made on the official form available in the Building Inspector's Office. These forms shall be furnished upon request. Any communication, purporting to be an application, shall be treated as mere notice of intention to seek relief, until such time as it is made on the official application form. All information called for by the form shall be furnished by the applicant in the manner therein prescribed.

- a. An information sheet describing the criteria to be met by the petitioner should be given in addition to the application form.

**Sec. 2 FILING PERIOD**

Every application shall be filed and every appeal taken within thirty days from the refusal of a permit by, or the date of the order, ruling decision or determination of the Building Inspector.

**Sec. 5 ONE YEAR LIMIT ON GRANTS: EXTENSIONS**

If an application is granted by the Board, all permits necessary for the prosecution of the work shall be obtained and construction shall be commenced within one year from the date of grant.

Reasonable extension of said time may be granted by the Board in the case of an appeal to the Superior Court under General Laws, Chapter 40A, Sec. 10, or for other good cause shown.

**ARTICLE V  
POLICIES AND ADVICE**

Any advice, opinion, or information given by any Board member or the clerk, or any other official, or employee of the City of Brockton shall not be binding on the Board. Because of the annoyance caused by individuals appealing personally to members of the Board, it is declared to be policy of the Board to discourage any such personal appeals.