



## VARIANCE AMENDMENT CHECKLIST

### **CITY OF WORCESTER ZONING BOARD OF APPEALS**

455 Main Street, Room 404, Worcester, MA 01608

Phone 508-799-1400 Ext. 31440 - Fax 508-799-1406

#### **STEP 1: SUBMIT AN APPLICATION PACKAGE INCLUDING AN ORIGINAL, ONE DIGITAL, AND FIFTEEN (15) STAPLED COPIES OF THE FOLLOWING IN THIS ORDER TO THE DIVISION OF PLANNING & REGULATORY SERVICES (DPRS):**

##### A. Zoning Determination Form

- Form is provided by the Building & Zoning Division of Inspectional Services located at 25 Meade Street.
- Form must be signed by an authorized Building & Zoning Division staff member. There is no fee for the zoning determination form.

##### B. New Application

- A new application with original signatures by all petitioners.
- If you are not the owner of the subject property and are a lessee or optionee, it is recommended that you provide supporting information such as a lease or a purchase and sale agreement that shows your interest in the property.

##### C. New Certification of Tax/Revenue Collection Compliance

- All current owners of subject property and applicants must certify that all local taxes, fees, assessments, betterments, or any other municipal charges of any kind are current with the City Treasurer's Office.

##### D. New Certified List of Abutters

- The original, signed by the Assessor (Room 209, City Hall).

##### E. Original Decision

- Copy of the original decision for the original approval that was filed with the City Clerk.

##### F. Original Plan of Land

- Plan from original approval. You may use a reduced copy (11 x17).

##### G. New Plan of Land depicting changes - See page 3 of application checklist.

##### H. Original Rendering, if any

##### I. New Rendering, if any changes to original

#### **STEP 2: ALONG WITH 15 COPIES OF THE APPLICATION PACKAGE, SUBMIT THE FOLLOWING TO DPRS:**

##### A. Two Sets of Stamped **Envelopes** with Assessor's Address Labels for abutters and applicant.

- Request two (2) sets of Assessor's Address Labels (listing all abutters and abutters to abutters) from the Assessor's Office (2<sup>nd</sup> floor, City Hall)-prepared for a fee
- Create two (2) separate sets of stamped envelopes with Assessor's labels.
- Include two stamped, addressed envelopes for each applicant.
- The return address on the envelopes should be: City of Worcester, Division of Planning & Regulatory Services; 455 Main Street, Room 404; Worcester, MA 01608
- These envelopes will be used to send notices of the public hearing and outcome.

**(continued on next page)**

B. **Appropriate fee.** Please make checks payable to the City of Worcester.

C. **Digital Copy.** All applications, plans and materials must also be submitted as a PDF file to [planning@worcesterma.gov](mailto:planning@worcesterma.gov) prior to or at the time of application submittal to the office. All electronic files must be in the following format:

- ❑ Portable Document Format (.pdf), readable by Adobe Acrobat v.7.0 and later, named by project address and application type (ex. 455 Main Street – ZBA – Variance Amendment)
- ❑ Minimum resolution of 200 dpi
- ❑ No single file should be greater than 50 MB (collections may be broken into separate files)

*Exceptions:*

- ❑ Any application items not produced electronically such as hand drawn plans, drawings or hand written applications are not required to be submitted electronically.
- ❑ Plans, drawings and applications created prior to March 2013 that are not available to the applicant in electronic format.



**STEP 3: FILE ORIGINAL APPLICATION WITH THE CITY CLERK** (2<sup>nd</sup> floor, City Hall). Your application must be processed by the Division of Planning & Regulatory Services before filing with the City Clerk.

**STEP 4:** Does your project require a new or upgraded electric system? Contacting National Grid early in the process will assist in meeting your needs for electrical service and help keep your project on track. Call today at 800-375-7405.

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## SUGGESTIONS FOR THE PLAN OF LAND SHOWING THE PROPOSED DEVELOPMENT

A plan of land, at least 8 ½" x 11" or 11" x 17", and drawn to scale (at least 1 inch = 40 feet) should show the following:

- ❑ North point.
- ❑ Names of streets.
- ❑ Zoning districts (Include overlay zones – floodplain overlay, water resource protection overlay, flexible parking overlay, mixed-use overlay, arts district overlay, adaptive reuse overlay, etc.).
- ❑ Names of owners of properties up to abutters of abutters of the subject property within 300 feet.
- ❑ Property lines, locations of buildings or use of the property where a variance or special permit is requested.
- ❑ Existing & proposed porches, decks, garages, sheds, pools, stairs and any other accessory buildings, uses or ground-level projections.
- ❑ Distances from adjacent buildings and property lines. These should be verified in the field.
- ❑ The dimensions of the lot.
- ❑ All existing uses (i.e. types of businesses, types of residences) on the entire parcel and any future proposed uses. Indicate where each different use is located and how much square footage is dedicated to each use.
- ❑ Table of dimensional requirements (including exterior side yard setback for corner lots) and proposed setbacks as well as relief requested or relief previously granted and dates of such granting.
- ❑ Percentage of the lot covered by the principal and accessory uses (impervious surface) and percentage of open space.
- ❑ Required off-street parking spaces for each use on the lot. If there are multiple uses, applicants must label which parking spaces are dedicated to each use. Even if the applicant is leasing parking spaces, all other parking spaces that are leased to other uses must be shown. Required parking may not be taken away from required parking from any other uses. Parking spaces should measure 9' x 18' for a standard space, 25% of parking spaces may be compact 8' x 16' spaces (except for uses that do not have parking lots). For business or manufacturing districts, applicants may also provide proof of a five-year parking lease on-site or off-site (must be within 1,000 square feet of use). Parking cannot be located in required front yard and *exterior* side yard setbacks.
- ❑ Location and dimensions of required loading spaces for entire site, if applicable.
- ❑ Existing and proposed driveways, entrances, exits, circulation, alleys, paths, access aisles (access aisles must be 24' wide for two-way traffic or 12' wide for one-way traffic), and drive-through lanes.
- ❑ Include a parking table with a breakdown of existing parking spaces, proposed parking spaces, required number of parking spaces (by different use), required handicap accessible spaces, including one van space per every eight accessible parking spaces with a 8-foot access aisle (for parking lots over 15 spaces). Please note: proposed developments may not reduce the number of required off-street parking spaces for adjoining lots in such a way as to make lots once held in common ownership or currently held in common ownership nonconforming.
- ❑ Required five-foot landscaped buffer where parking, work or service areas of a proposed project abut a street, public park or residential property (except 1, 2, 3 families). Trees should be the main element in landscape screening and should be planted 20-25 feet on center.
- ❑ Location, height, dimensions, type and distance from lot lines of any existing or proposed signs.
- ❑ Proposed outdoor seating, proposed ATM machines, utility boxes, other design features, etc.
- ❑ Proposed multi-family dwellings should show proposed usable open / recreation space (at least 10% of lot).
- ❑ Location of dumpsters and snow storage (snow storage cannot be located in the 5-foot parking buffer).
- ❑ Height and location of existing and proposed signs.
- ❑ Location and type of existing and proposed lighting fixtures.
- ❑ Location and species of any trees over 9 inches in diameter that are proposed to be removed as part of the development.
- ❑ Provide any information regarding proposed low-impact or sustainable design (i.e. green roofs, permeable pavement, rainwater gardens, ecological landscaping, passive solar design, etc.)

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The City of Worcester, by this document, does not provide legal advice. Questions about Variances should be directed to your legal counsel.

**IF YOUR VARIANCE PETITION IS APPROVED, OBTAIN A CERTIFIED COPY OF THE APPROVED DECISION FROM THE CITY CLERK’S OFFICE AND RECORD THE DECISION AT THE REGISTRY OF DEEDS.**

**Variance Decisions:** Final decisions are typically signed at the next scheduled Board Meeting and filed the following day with the City Clerk. Typically, if there is no appeal of the decision after twenty days (20) has elapsed from the date the decision was filed with the City Clerk’s office, the applicant may obtain a properly certified copy of the approved decision from the City Clerk (Massachusetts General Law, Chapter 40A, Section 11).

City Clerk, City Hall  
455 Main Street -Second Floor, Room 206  
508-799-1121  
Monday 8:45am - 5:00pm  
Tuesday - Friday 8:45am - 4:15pm  
[www.ci.worcester.ma.us](http://www.ci.worcester.ma.us)

**Recording Variance (s):** Upon obtaining a properly certified copy of the approved decision, the applicant must bring the same copy to the Worcester District Registry of Deeds and have the decision recorded (Massachusetts General Law, Chapter 40A, Section 11).

Worcester District Registry of Deeds  
City Square  
90 Front Street, Level 2  
508-798-7717  
Recording Hours: Monday – Friday 9 am to 4 pm  
Closed on State or Federal Holidays  
[www.worcesterdeeds.com](http://www.worcesterdeeds.com)

**Lapse of Variance(s):** Per the City of Worcester Zoning Ordinance, Article II, § 9 (D)(7): If the rights authorized by a variance are not exercised within one (1) year of the date of grant of such variance, they shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not exceed six (6) months; and provided further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period (Massachusetts General Law, Chapter 40A, Section 10).

**YOUR DECISION MUST BE RECORDED PRIOR TO USE OF APPROVED VARIANCE**

**For more information about the rules and regulations of City of Worcester Boards and Commissions:**

1. The City of Worcester Zoning Ordinance and City of Worcester Zoning Map are available online at [www.ci.worcester.ma.us](http://www.ci.worcester.ma.us). Choose the “Quick Find” option. Then click on “Ordinances and Regulations” and select the appropriate file.
2. Copies of the City of Worcester Zoning Ordinance or Board Rules and Regulations can also be purchased at the City Clerk’s office, 2<sup>nd</sup> floor of City Hall.

For more information about M.G.L. Chapter 40A, Zoning: <http://www.mass.gov/legis/laws/mgl/index.htm>



**VARIANCE AMENDMENT APPLICATION**

**CITY OF WORCESTER ZONING BOARD OF APPEALS**  
 455 Main Street, Room 404, Worcester, MA 01608  
 Phone 508-799-1400 Ext. 31440 - Fax 508-799-1406

**List information for the original Variances (s) and what the amendment to the Variance (s) includes. Attach additional documentation as necessary.**

Lot Area		Front Yard Setback		Rear Yard Setback	
Square footage required:		Setback required:		Setback required:	
Square footage provided:		Setback provided:		Setback provided:	
Relief requested:		Relief requested:		Relief requested:	
Frontage		Side Yard Setback		Exterior Side Yard Setback	
Frontage required:		Setback required:		Setback required:	
Frontage provided:		Setback provided:		Setback provided:	
Relief requested:		Relief requested:		Relief requested:	
Off-street Parking/Loading		Height		Accessory Structure 5-foot Setback	
Parking required:		Height permitted:		Type of structure:	
Parking provided:		Height provided:		Square footage of structure:	
Relief requested:		Relief requested:		Relief requested:	
Loading required:		<b>Other Variances</b>			
Loading provided:		Relief requested:			
Relief requested:		Zoning Ordinance Article & Section:			
Signs		Requirement:			
Area permitted:		Provided:			
Area provided:		Indicate if Variances are being requested for more than one structure or more than one lot. Only complete the sections which pertain to the Variances (s) you are applying for.			
Relief requested:					
Height permitted:					
Height provided:					
Relief requested:					
Setback permitted:					
Setback provided:					
Relief requested:					

1. Assessor's **ADDRESS OF SUBJECT PROPERTY:** \_\_\_\_\_  
 (List property subject to the application and include any lot numbers. Please note: The street number may be different than the Assessor's address).
2. Is this property known by any other address: \_\_\_\_\_
3. **OWNER OF RECORD:** \_\_\_\_\_  
 (The owner of record is the person or entity who owns title to the property as of today's date)
4. Address (es) of owner of record is /are \_\_\_\_\_
5. Worcester District Registry of Deeds (WDRD) Book(s) \_\_\_\_\_, Page(s) \_\_\_\_\_  
 (List Book and Page number of deed filed for the subject property as recorded at the WDRD)
6. City of Worcester Assessor's Office Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
 (List \_\_\_\_\_ MBL number for the subject property as listed at Assessor's Office)
7. **NAME OF APPLICANT(S):** \_\_\_\_\_
8. Address of Applicant: \_\_\_\_\_
9. Telephone: \_\_\_\_\_
10. Email: \_\_\_\_\_
11. Check if you are an: owner (s) , lessee (s) , optionee (s)  (If you are not the owner of the subject property and are a lessee or optionee, it is recommended that you provide supporting information such as a lease or a purchase and sale agreement that shows your interest in the property.)
12. Zoning district(s) of the property (Indicate if more than one zoning district and any zoning overlay districts):
13. Describe what is presently located on the property (Use as much detail as possible including all uses and square footage of each use):
14. The applicant seeks to (Describe what you are amending from the original approval in as much detail as possible):
15. Such a use is permitted only by the City of Worcester Zoning Ordinance under Article (Insert Article, Section (s) of the Zoning Ordinance which permits the proposed used of the property):

16. Are you aware if this property has been previously granted approvals from any City Board or Commission?

If so, please list (Provide dates of previous approvals, book and page numbers and/or certificate numbers of any recorded decisions and/or recorded/registered land. Also, please provide copies of previous recorded decisions):

17. Have you applied for or are you aware if other applicants have applied for a Building Permit for this site and been refused for non-compliance with the Zoning Ordinance (e.g. a cease and desist order has been issued)? If so, explain:

18. List any additional information relevant to the Variance (s):

#### VARIANCE FINDINGS OF FACT

**Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.**

1. Describe how a literal enforcement of the provision of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant:
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located:

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance:

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship:

WHEREFORE, the applicant(s) requests that this Board grant the special permit (s) as requested above.

By: \_\_\_\_\_  
(Signature of Applicant or Applicant's Agent)  
If more than one applicant, all applicants must fill out information.

\_\_\_\_\_  
(Name of Applicant)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Contact Phone Number)

\_\_\_\_\_  
(Email)

\_\_\_\_\_  
(Date)

By: \_\_\_\_\_  
(Signature of Property Owner or Owner's Agent)  
If more than one property owner, all owners must fill out information.

\_\_\_\_\_  
(Name of Property Owner)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Contact Phone Number)

\_\_\_\_\_  
(Email)

\_\_\_\_\_  
(Date)

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**CERTIFICATION OF COMPLIANCE WITH WORCESTER REVISED ORDINANCES GOVERNING REVENUE COLLECTION**

**\*Note: This form must be completed and signed by both the applicant(s) and owner(s) of the property certifying payment of all local taxes, fees, assessments, betterments, or any other municipal charges of any kind. Failure to include a fully completed certification form with the application shall result in the application being deemed incomplete and ineligible for further processing by the Zoning Board of Appeals.**

Pursuant to Massachusetts General Law, Chapter 40, Section 57 and the City of Worcester General Revised Ordinance, Chapter 11, Section 26-28, the undersigned applicant and all parties having an ownership interest therein, hereby certify, under the pains and penalties of perjury, that the applicant(s) and owner(s) have complied with the laws of the Commonwealth of Massachusetts and the City of Worcester regarding payment of all local taxes, fees, assessments, betterments or any other municipal charges of any kind.

(Give first and last names in full. In case of a corporation give names of President, Treasurer and Manager; and in case of firms, give names of individual members.)

**(1) If a Proprietorship or Single Owner of residential property:**

Name of Owner \_\_\_\_\_

Business Address \_\_\_\_\_

Home Address \_\_\_\_\_

Business Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

Signature of owner (certifying payment of all municipal charges):

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

**(2) If a Partnership or Multiple Owners of residential property:**

Full names and address of all partners

Printed Names

Addresses

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Business Address \_\_\_\_\_

Business Phone \_\_\_\_\_

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

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

**(3) If a Corporation:**

Full Legal Name \_\_\_\_\_

State of Incorporation \_\_\_\_\_

Principal Places of Business \_\_\_\_\_

Place of Business in Massachusetts \_\_\_\_\_

Printed Names of Officers of Corporation:	Title
_____	_____
_____	_____
_____	_____
_____	_____

Owners of Corporation: Printed Names	Address	% of stock
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____	Date: _____
_____	Date: _____
_____	Date: _____
_____	Date: _____

**(4) If a Trust:**

Name of Trust \_\_\_\_\_

Business Address \_\_\_\_\_

Printed Names of Trustees:	Address
_____	_____
_____	_____
_____	_____
_____	_____

Printed Names of Beneficiaries:	Address
_____	_____
_____	_____
_____	_____
_____	_____

Signature of trustees of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____	Date: _____
_____	Date: _____
_____	Date: _____
_____	Date: _____

**(5) Signature of Applicant** (if different from owner, certifying payment of all municipal charges):

Printed Name of Applicant: \_\_\_\_\_

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

## **CITY OF WORCESTER CERTIFIED LIST OF ABUTTERS**

Replace This Page with Certified List of Abutters  
From Assessor's Office

List of Abutters: The Applicant shall provide a list of "parties of interest" which shall be attached to the application form and shall include the names and address of all abutters and abutters to abutters within three hundred (300) feet of the Applicant's property line. All such names and addresses shall be obtained from the most recent applicable tax list maintained by the City's Assessing Department. The Assessing Department shall certify the list of names and addresses.

### **MEETING WITH YOUR NEIGHBORS**

While not required, it is recommended, when possible, that applicants meet with neighbors prior to the scheduled public hearing to discuss the proposed development. State law requires that direct abutters and abutters to direct abutters within a 300-foot radius of the site receive notification of the hearing. Those abutters will receive a brief notice in the mail from the Division of Planning and Regulatory Services indicating the date and time of the public hearing and the requested Special Permit. In some cases, abutters may have additional questions or concerns about the proposed development that are not answered by the legal notice they receive in the mail. Additionally, abutters may not be able to visit the Division of Planning and Regulatory Services office during business hours to view the actual petition and plan.