



## **VARIANCE & SPECIAL PERMIT CHECKLIST**

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

455 Main Street, Room 404; Worcester, MA 01608

Phone 508-799-1400 - Fax 508-799-1393

#### **STEP 1: SUBMIT AN APPLICATION PACKAGE INCLUDING AN ORIGINAL 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. Application**

- An 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. 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. Certified List of Abutters**

- The original, signed by the Assessor (first floor, Room 108, City Hall).

##### **E. Plan of Land - See page 2 of application checklist.**

##### **F. Rendering**

- It is recommended that you provide copies of a rendering or elevation to scale of the proposed project. The Zoning Board of Appeals may elect to continue the public hearing until a rendering is provided.

#### **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 (first 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 and Regulatory Services; 455 Main Street, Room 404; Worcester, MA 01608
- These envelopes will be used to send notices of the public hearing and outcome.

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

#### **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.**

**DO NOT SUBMIT THIS PAGE – FOR YOUR INFORMATION ONLY**

## 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.)

**\*\*ALL APPLICATION DEADLINES ARE 2:00 P.M. UNLESS OTHERWISE SPECIFIED\*\***  
**APPLICANTS ARE ENCOURAGED TO FILE BEFORE THE DEADLINE DATE WHENEVER POSSIBLE**



**VARIANCE & SPECIAL PERMIT APPLICATION**

**CITY OF WORCESTER ZONING BOARD OF APPEALS**  
 455 Main Street, Room 404; Worcester, MA 01608  
 Phone 508-799-1400 - Fax 508-799-1393

**Fill in information for the Variances (s) you are applying for. 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:		<p align="center">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.</p>			
Relief requested:					
Height permitted:					
Height provided:					
Relief requested:					
Setback permitted:					
Setback provided:					
Relief requested:					

**TYPE OF SPECIAL PERMIT** (check the Special Permit you are requesting and describe what you are requesting)

1.  Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure and/ or Use (Article XVI, Section 4)
2.  Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)
3.  Non-Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)
4.  Non-Accessory Sign (Article IV, Section 6)
5.  Residential Conversion (Article IV, Section 9)
6.  Placement of Fill/Earth Excavation (Article IV, Section 5)
7.  Modification of Parking/Loading Requirements (Article IV, Section 7)
8.  Modification of Landscaping Requirements for Parking/Loading (Article IV, Section 7)
9.  Other Special Permit (Describe Special Permit sought):

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 want to do on the property 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) and Special Permit (s):







5. Explain how the extension, alteration, or change itself complies with the current Ordinance requirements:
  
6. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed: Note: In residential districts, the structure as extended, altered or changed shall meet the off-street parking requirements of the zoning ordinance.
  
7. Explain how the structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

**Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Use  
(Article XVI, Section 4)**

1. Describe what is currently nonconforming about this use:
  
2. Indicate how long the nonconforming use has been in existence? What year did the use begin? (Check with the zoning ordinance, as amended, that would have been in effect at the time of construction. Past zoning ordinances are available for research at the City Clerk's office. Past zoning maps are available at the Division of Planning and Regulatory Services)
  
3. At the time the use was initiated, was the use allowed under the then applicable Zoning Ordinance?
  
4. Describe the proposed extension, alteration or change of use and the total square footage to be utilized for the use:
  
5. Explain how the extension, alteration, or change itself complies with the current Ordinance requirements:
  
6. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed: Note: In residential districts, the use as extended, altered or changed shall meet the off-street parking requirements of the zoning ordinance.
  
7. Explain how the use as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing use:

**Residential Use allowed only by Special Permit in a particular zoning district  
(Article IV, Section 2, Table 4.1)**

1. Describe the proposed residential use:
  
  
  
  
  
  
  
  
  
  
2. Total number of dwelling units proposed, number of bedrooms per unit, and square footage of units:
  
  
  
  
  
  
  
  
  
  
3. Number and dimensions of off-street parking spaces to be provided and location (garage, driveway). Off-street parking spaces must be located outside of the front yard and exterior side yard setbacks.

**Non-Residential Use allowed only by Special Permit  
(Article IV, Section 2, Table 4.1)**

1. Describe the proposed use (include description of business, proposed hours of operation, and number of employees)
  
  
  
  
  
  
  
  
  
  
2. Total square footage of proposed use:
  
  
  
  
  
  
  
  
  
  
3. Number of off-street parking spaces to be provided. Indicate location of those parking spaces: garage, parking lot, parking spaces on a different lot provided through the same ownership and/or leased spaces (a 5-year minimum lease with renewal options must be provided) within 1,000 feet of the use it will serve.
  
  
  
  
  
  
  
  
  
  
4. For a proposed animal hospital, animal clinic, pet shop or animal shelter, per Article IV, Section 2, Notes to Table 4.1, Note 4, indicate the location of any animal runs if a residential zoning district is within 200 feet of the subject property.
  
  
  
  
  
  
  
  
  
  
5. For a proposed Bed and Breakfast use, provide additional documentation per Article IV, Section 11.
  
  
  
  
  
  
  
  
  
  
8. For a proposed Adult Entertainment use, provide additional documentation per Article IV, Section 10.
  
  
  
  
  
  
  
  
  
  
9. For a proposed Limited Residential Hospice House, provide additional documentation per Article IV, Section 2, Notes to Table 4.1, Note 10.

10. For a proposed non-accessory parking lot or a motor vehicle display lot, provide additional documentation showing compliance with Article IV, Section 7B.

**Non-Accessory Sign  
(Article IV, Section 6)**

1. Square footage, length and width of proposed sign, and height of total structure:
  
  
  
  
  
  
  
  
  
  
2. Distance of proposed sign from other non-accessory signs along each side of a street.
  
  
  
  
  
  
  
  
  
  
3. Indicate on the submitted plan the type and style of sign, exact location, etc.

**Residential Conversion  
(Article IV, Section 9)**

1. Total number of existing units/Total number of proposed units:
  
  
  
  
  
  
  
  
  
  
2. Will the external appearance of the structure remain unchanged except for new doors, windows, fire escapes, and stairways?
  
  
  
  
  
  
  
  
  
  
3. Number of off-street parking spaces to be provided (If new parking is being created, the applicant(s) may need to seek a Special Permit for extension, alteration or change of a pre-existing, nonconforming structure if existing structure does not meet current zoning dimensional requirements. If additional parking cannot be provided for new dwelling unit(s), the proposed conversion may also require a Variance or Special Permit from off-street parking requirements):
  
  
  
  
  
  
  
  
  
  
4. Which dimensional requirements/setbacks are you seeking relief by the Special Permit?



**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.

**DO NOT SUBMIT THIS PAGE – FOR YOUR INFORMATION ONLY**

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

**IF YOUR VARIANCE AND SPECIAL PERMIT 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/Special Permit 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.worcesterma.gov](http://www.worcesterma.gov)

**Recording Variance / Special Permit (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 filled with such permit granting authority prior to the expiration of such one year period (Massachusetts General Law, Chapter 40A, Section 10).

**Lapse of Special Permit(s):** Per the City of Worcester Zoning Ordinance, Article II, § 9 (D)(5): If the activity authorized by a special permit granted by the ZBA or SPGA is not initiated within one (1) year of the date of grant of such special permit except in the case of phased construction as approved by the ZBA or SPGA and/or if the activity is not completed within two (2) years, then the special permit shall lapse unless the Director of Code Enforcement makes a determination that failure to complete was for good cause. Otherwise, after a lapse, the special permit may be re-established only after notice and a new hearing pursuant to this Ordinance (Massachusetts General Law, Chapter 40A, Section 11).

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

**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.worcesterma.gov](http://www.worcesterma.gov) Choose the “Document Center” option. Then click on “City Clerk ” and scroll down to Zoning Ordinance or Zoning Map.
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.
3. For more information about M.G.L. Chapter 40A, Zoning: <http://www.mass.gov/legis/laws/mgl/index.htm>