

## ZONING BOARD OF APPEALS APPLICATION PROCESS

To file for a Special Permit or Variance, or to Appeal a Zoning Decision:

1. Applications are available from the Building Department or on the Town's web site.
2. Applicant must obtain a certified list of all abutters within 300' feet of the property from the Assessor's Office.
3. Applicant completes pages 2, 3, 4, 5a through 5d, 6, and 7 of the application.
4. Applicant shall detail as part of the application all pertinent data relative to the case (page 6).
5. Where Special Permit criteria are defined in the bylaw, the applicant shall provide these in writing as part of the application (see page 5a).
6. Where a Variance is requested, the applicant shall define the justification criteria as stated in Section 164-43B (see page 5b).
7. The information required for Appeals is enclosed as pages 5c and 5d.
8. Any supplemental or revised materials must be submitted to the Town Clerk at least seven days before the meeting to allow the Board member time to review the material. Display items for talking purposes are excluded from this requirement.
9. Each application must include the following:

Seven (7) copies of the application, including the abutter list.

Seven (7) copies of a site plan of the subject property prepared by a Massachusetts registered professional land surveyor or engineer. The site plan shall include:

- a) A north arrow and scale;
- b) Names of streets and ways;
- c) Zoning districts;
- d) Property lines;
- e) Dimensions of the subject lot, total land area and the amount of buildable upland;
- f) Locations of buildings on and uses of the subject property;
- g) Parking areas and driveways;
- h) Topographical information;
- i) Location of Conservancy Districts;
- j) Distances from structures (both existing and proposed) to lot lines and conservancy districts;

- k) Percentage of existing building coverage (as defined in Orleans Zoning Bylaw §164-4) and the percentage of building coverage after proposed construction.
- l) A proposed footprint superimposed on the existing footprint; and
- m) Any other information pertinent to the application.

Seven (7) copies of floor plans and elevations plans minimum size of 11 x 17 inches), for any application proposing new construction or a change in-the exterior appearance of a structure. Floor plans and elevations shall include:

- a) Exterior elevations (to scale) of all views of the proposed construction, addition, or alteration, including dimensions of height, width, and depth. Height is defined in Orleans Zoning Bylaw §164-4 and §164--21C.
- b) For additions (but not for first floor level decks or porches), the elevations shall show the height of each section of the existing structure, as well as the height of the proposed structure. The height calculation shall be performed and certified by a Massachusetts registered professional land surveyor, engineer, or architect. The height calculation shall include the height of any flood resistant foundation required by FEMA, the Massachusetts State Building Code, and the Orleans Zoning Bylaw.
- c) Current percentage of building coverage as defined in Orleans Zoning Bylaw §164-4 and the percentage of building coverage after proposed construction.
- d) The proposed footprint superimposed on the existing footprint.
- e) Floor plans (to scale), including dimensions of length, width, and height, for any application proposing new construction or a change in use of a structure. The plans shall delineate the existing and proposed floor plans and the existing and proposed gross floor area (as defined in Orleans Zoning Bylaw §164-4). The floor plans shall delineate the proposed uses of all the interior space of all buildings and structures on a lot; including areas below grade finished with heat, ventilation and/or air conditioning; but not including unfinished storage or mechanical and utility areas. The square footage of existing and proposed decks, porches, garage, outbuildings shall be calculated and separately indicated on the plans.
- f) The square footage of existing and proposed decks, porches, garage, out buildings shall be calculated and indicated separately on the plans.
- g) A north arrow and scale.

Seven (5) copies of any decisions previously granted for the property.

Seven (5) copies of determination or recommendations of other Town boards or committees:

10. Applicant must meet with the Building Commissioner in his role as Zoning Enforcement Agent. He reviews the application before submission to the Town Clerk.
11. Applicant then submits 6 copies of the application, including the abutters list, and 7 copies of the site plan, floor plans, previous decisions granted and determinations of other Town boards or committees to the Town Clerk. The application must be accompanied with a check payable to the "Town of Orleans" in the amount of \$200.00, plus the cost of certified mailing to each abutter, currently **\$6.04** (The Board Secretary is responsible for abutter notification and legal advertising.) **An electronic version of the application must also be submitted for posting on the town website, after it has been accepted by the Town Clerk.** Please submit the electronic version of your application to the Board Secretary via email: [zba@town.orleans.ma.us](mailto:zba@town.orleans.ma.us)
12. The hearing before the Board will be a minimum of three weeks from the date of the completed application is submitted to the Town Clerk. The Applicant will be notified by email or telephone of the meeting date. The Applicant or his agent must be present at the hearing.  
  
**Note:** There is a 20-day appeal period after the Board's decision. At the end of the appeal period, the decision will be certified by the Town Clerk. The Applicant must then file the decision with the Barnstable County Registry of Deeds.
13. Lastly, each application should have a short narrative describing the project.

**TOWN OF ORLEANS  
ZONING BOARD OF APPEALS APPLICATION**

If this Petition is not complete, the Town Clerk is hereby directed to refuse to accept this Petition until the following are provided:

- A. All eleven (11) pages correctly filled out and signed (including this page) and seven (7) copies to be reviewed and signed by the Building Commissioner: \_\_\_\_\_
- B. A list of names and addresses as they appear on the most recent tax list for the following:
  - 1. Direct Abutters
  - 2. Owners of land directly opposite on any public or private way (also called Abutters).
  - 3. Abutters to abutters and anyone within three hundred feet (300') of the property line of the Petitioners(s).
- C. **Plot Plan and Building Plan** showing dimensions of proposed construction or existing buildings indicating pertinent distances from front, rear, and sidelines of property and public or private ways. **(7 copies required)**
- D. **Copy of Denial(s) or Decision(s)** of Town Official(s) and other Advisory Board(s) where applicable. **(7 copies required)**
- E. A check in the amount of two hundred dollars **(\$200.00)** made payable to the "Town of Orleans" plus **\$6.04** postage for **EACH** Abutter.
- F. Lastly, each application should have a short narrative describing the project and the reason for requesting relief. **(7 copies required)**

DATE OF RECEIPT BY TOWN CLERK: \_\_\_\_\_

The correctness and authenticity of the above and enclosed information is the responsibility of the Petitioner(s), not the Town Clerk. This petition is received when the Town Clerk acknowledges the receipt of a correctly completed Petition **DO NOT** send the Petition(s) to the Board of Appeals. The Board of Appeals reserves the right to return incomplete or incorrect forms to the Petitioner(s) for correction and re-submission to the Town Clerk, although, if the Petitioner requests it, the Secretary to the Board of Appeals will attempt to correct any noted minor errors or omissions after contacting the Petitioner. Any agreed upon changes will be confirmed to the Petitioner in writing prior to the public hearing.

1. Applicant Name \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address \_\_\_\_\_

2. Property Owner Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

3. Property Address \_\_\_\_\_

4. If applicant is different from owner, state nature of interest:

\_\_\_\_\_

5. Property located on Orleans Map # \_\_\_\_\_ Parcel # \_\_\_\_\_

6. Zoning District \_\_\_\_\_

Overlay District \_\_\_\_\_

Ground Water Protection District \_\_\_\_\_

7. Present Use of Structures and or Land:

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

8. Proposed change and use:

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

ERRORS AND OMISSIONS

If the Board of Appeals finds it feasible to do so, do you wish to be contacted in an attempt to resolve apparent errors or omissions in these forms?

[ ] Yes [ ] No Phone Number \_\_\_\_\_

Submitted By:

\_\_\_\_\_  
Signature of Owner, Attorney or Agent Date \_\_\_\_\_

Address (E-mail optional) \_\_\_\_\_

**Page3 - Nature of Appeal, Application, or Petition**

Appeal in accordance with MGLA Chapter 40A, Section 8, Order of decision of administrative official (see page 5d).

Section(s) and Paragraph(s) of MGLA Chapter 40A or bylaw allegedly violated:

Administrative Officer(s)

Application for Special Permit as set forth in MGLA Chapter 40A, \_\_\_ Section 6 or \_\_\_ Section 9, upon which the Board is empowered to act under the bylaw Sections 164-43 and 164-44 (see page 5a).

Section(s), paragraph(s) of bylaw for which Special Permit relief is requested:

Petition for Variance as set forth in MLGA Chapter 40A; Section 10, particular land or structures with respect to which Variance is being sought (see page 5b):

Section(s) and paragraph(s) of bylaw from which Variance is sought and reason for relief:

Appeals from decision of Zoning Administrator in accordance with MGLA Chapter 40A, Section 13 and 14 (see page 5c). Decision of Zoning Administrator:

Submitted By \_\_\_\_\_ Date \_\_\_\_\_  
*Owner/Attorney/Agent*

**Page4 - List of Abutter's**

Map # \_\_\_\_\_ Parcel # \_\_\_\_\_ Laud Court Registered \_\_\_\_\_

Property Location \_\_\_\_\_

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

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Owner, Attorney, or Agent

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Person submitting list and/or certification (if different than owner, attorney, or agent):

\_\_\_\_\_

An Abutters list as prepared by the Assessor's Office must be attached to the application.

**\*Note:** The abutters list is only valid for 30 days. Please purchase the list as close to application submission date as possible to ensure accuracy.

If more than one town is involved, a list from each Town's Assessor's Office is necessary.

\*Include a GIS Map from the Town's website:

[Assessing | Orleans, MA](#)

**For use by the Assessors only:**

The undersigned certifies that the attached list is a correct listing of abutters pursuant to the provisions of the General Laws, Chapter 40A, Section 11, as adopted by Chapter 808 of the Acts of 1975, Section 3. The list is based on the most recent tax list.

Certified by \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**Page 5a - Special Permit**

**THESE FINDINGS MUST BE FILLED OUT BY THE APPLICANT**

Please refer to Section 164-44 of the Orleans Zoning Bylaw.

Separate sheet(s) may be used if preferred.

Special Permits shall be granted only upon the Board's determination that the use will not be detrimental to the established or future character of the neighborhood and the Town and will be in harmony with the general purpose and intent of the Chapter.

164-44 Special Permit Criteria

1) Adequacy of the Site \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) Suitability of the Site \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) Impact of Traffic Flow and Safety \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) Impact on Neighborhood Visual Character \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5) Adequacy of Method of Sewage Disposal, source of Water and Drainage \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) Adequacy of Utilities and Public Services \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Page 5a (continued)**

7) Noise and Litter \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8) Impact of Groundwater Quality, Recharge Volume and Water Quality of Coastal and Fresh Water  
Bodies \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Attach additional pages if necessary.*

**Page 5b – Variance**

Petition for Variance as set forth in MGLA 40A, Section 10.

A. A Variance is requested of the following provisions of t11c Orleans Zoning Bylaws:

Section Number	Requirement	Variance Request
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. State the reason the Variance is required (i.e., use, proposed construction):

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C. State the justification for the Variance;

1) 164B(2)(A) Hardship:

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2) 164-B(2)(B) Soil Conditions, Shape, Topography:

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3) 164-B(2)(C) Impact to the Public Good and Intent of the Chapter:

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*Attach additional pages if necessary.*

**Page 5c - Appeal from Decision of Zoning Administrator**

Appeal from decision of Zoning Administrator in accordance with MGLA Chapter 40A, Sections 13 and 14.

A. Specify the applicable Orleans Zoning' Bylaw Chapter(s):

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B. Define the Zoning Administrator's interpretation:

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C. Define the applicant's interpretation:

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D. Define the applicant's basis for appeal:

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E. The applicant shall assure that all information necessary to substantiate the basis of his/her appeal, such as building plans, site plans, setbacks, area calculation, etc. are included.

*Attach additional pages if necessary.*

**Page 5d - Appeal From Decision or Order of Administrative Official**

Appeal in accordance with MLGA Chapter 40A, Section 8 from decision or order of Administrative Official.

A. Section(s) and paragraphs of MGLA Chapter 40A or Orleans Bylaw allegedly violated:

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B. State the Administrative Official's decision or order:

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C. State the applicant's interpretation:

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D. Define the applicant's basis for appeal:

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E. The applicant shall assure that all information necessary to substantiate the basis of his/her appeal, such as building plans, site plans, setback, area calculations, etc. are included.

*Attach additional pages if necessary.*

**Page 6 - Data**

This data is required as applicable to applications for Special Permits, Variances or Appeals.

A. If pre-existing; year built: \_\_\_\_\_

B. If non-conforming:

Bylaw Section	Requirement	Non-conformity
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. If intensifying a non-conformity:

Bylaw Section	Requirement	Non-conformity
_____	_____	_____
_____	_____	_____
_____	_____	_____

D. If for coverage (required for 164-21 A Note 5):

Acreage \_\_\_\_\_ sq. ft.      Buildable Upland \_\_\_\_\_ sq. ft.  
Building Coverage \_\_\_\_\_ sq. ft.      % Coverage \_\_\_\_\_

E. Coastal Bank Set Back Calculation (164-21C):

Building Height \_\_\_\_\_ ft.  
Required Set Back \_\_\_\_\_ ft.  
Actual Set Back \_\_\_\_\_ ft.

*Attach additional pages if necessary.*

**Page7 - Determinations**

Copies of all determinations, filings or recommendations of any committees shall be attached to this submittal.

Architectural Review Committee:

Determination Required?     Yes             No             Approved

Conservation Commission:

Determination Required?     Yes             No             Approved

Old King's Highway Regional Historic District:

Determination Required?     Yes             No             Approved

Site Plan Review Committee:

Determination Required?     Yes             No             Approved

Traffic Study Committee:

Determination Required?     Yes             No             Approved

Planning Board:

Determination Required?     Yes             No             Approved

Zoning Board of Appeals:

Previous Case?                     Yes\*             No

\*If yes, please list case numbers and attach any and all decisions:

Case Numbers(s)            \_\_\_\_\_

Board of Health:

Determination Required?     yes             No             Approved

Please note here any other committees required and/or applied for:

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