

**Zoning Board Applicants:**

*Before* you submit your application to the Town Clerk’s Office, you must make an appointment with Patty Sheehan, Inspector of Buildings. She will review your application to ensure it is complete and ready for the Board to consider. Once it is complete, she will sign off and you can submit it to the Town Clerk’s Office.

We recommend you make your appointment *well* before the application deadline. If your application is found to be incomplete, this will ensure you have enough time to complete it before the deadline.

*To check deadlines and meeting dates online, go to: [www.shrewsburyma.gov](http://www.shrewsburyma.gov) > Government > Town Boards & Commissions M-Z > Zoning Board of Appeals > ZBA Meeting & Deadline Schedule (near the bottom of the page, under “Related Documents”).*

Before you attend your appointment, please fill out as much of the application as possible and gather all the necessary supporting documents.

***Patty Sheehan, Inspector of Buildings***

***psheehan@shrewsburyma.gov***

***508-841-8512***

***My appointment time is:***

\_\_\_\_\_ / \_\_\_\_\_

***Day***

***Time***

**ZONING BOARD OF APPEALS  
TOWN OF SHREWSBURY  
MASSACHUSETTS  
INFORMATION FOR PETITIONERS**

**FORMS MUST BE SUBMITTED IN TRIPLICATE**

**NOTE: For additional information, see the “RULES and REGULATIONS, Zoning Board of Appeals” revised through September 28, 2010.**

**1. Basis for Appeals:**

An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit resulting from any administrative decision rendered in accordance with the provisions of Chapter 40A of the General Laws, or by any officer or board of the Town or by any person aggrieved by any order or decision of the Building Inspector or other administrative official in violation of any provisions of Chapter 40A, or any ordinance or Bylaw adopted thereunder, or by any person seeking a Special Permit.

**2. When Appeal May be Taken:**

An appeal to the Board of Appeals must be taken within thirty (30) days from the date of the order or decision being appealed or, in the case of a Special Permit, within a reasonable time after written advisement of need for said permit.

**3. How Appeals May be Taken:**

Any appeal to the Board of Appeals must be made by completing a Form of Appeal, as supplied by the Board, and filing said form in the office of the Town Clerk. Accompanying such filing shall be:

1. One copy of the Town of Shrewsbury Tax Map(s) showing the subject property and all parcels located within 300 feet of its property lines. (May be obtained in the office of the Town Engineer.)
2. Three copies of the plot plan and/or site plans of the subject property.
3. One copy of the Zoning Board of Appeals, Form of Appeal Checklist.
4. Effective October 5, 2010, a filing fee of three hundred dollars (\$300).

**4. Form of Appeals:**

All appeals must be in writing, in triplicate, and signed by the applicant or his attorney. These documents shall be filed in the office of the Town Clerk of Shrewsbury, Municipal Office Building, Shrewsbury. One copy is to be sent to the Building Inspector and one copy to the Clerk of the Board of Appeals. The Form of Appeals is attached hereto.

## **5. Conditions to be met for Granting of a Variance:**

Before making a formal application for a Variance from the Town of Shrewsbury Zoning Bylaws you, the applicant, must be aware of the conditions that must be met before the Zoning Board of Appeals may act favorably upon your request.

- (1) A hardship exists upon your land that requires you to apply for a Variance. Example: A ledge or rock condition exists upon your property which does not allow you to construct within the conformity of the Bylaw. Financial hardship, by itself, is not reason for the granting of a Variance.
- (2) The condition affecting your property is incidental to that property and does not generally affect other parcels within your zoning district.
- (3) A Variance may be granted without substantial detriment to the public good. This is to say, for example, that excess traffic would not result by the granting of the Variance, or that the rights of your neighbors would not be infringed upon.
- (4) A Variance cannot substantially derogate from the intent and purpose of the Bylaw. Putting a retail store in a residential district is substantial derogation from the intent and purpose of the bylaw. Varying a front yard setback from 30 feet to 10 feet would be, in most instances, substantial derogation from the intent and purpose of the Town of Shrewsbury Zoning Bylaw

Your presentation before the Board should specifically relate to all four of these prerequisites. If in doubt, contact an attorney before filing your appeal. If your appeal is denied, then you would have to wait two years before reapplying. It is best to be fully prepared at the time of the hearing.

## **6. Hearings:**

Due notice of the hearing will be given to the applicant, abutters, to owners of all land located within 300 feet of the applicant's property, and to other persons as the Board deems to be interested parties. The applicant may appeal in person or be represented by an attorney. The applicant will be given an opportunity to present witnesses and evidence. Persons appearing in opposition will also be given an opportunity to be heard. No cross-examination of the witnesses will be allowed except at the discretion of the Board. The Board may, in its discretion, permit arguments at the close of the evidence.

## **7. Decision:**

The applicant will be notified, in writing, of the decision of the Board. For a Variance, a decision will be rendered before 90 days have passed from the date of the hearing. For a Special Permit, a decision will be rendered before 100 days have passed from the date the application is filed with the Town Clerk.





