The City of Lowell • Dept. of Planning and Development • Division of Development Services
Lowell City Hall, Rm. 51 • 375 Merrimack Street • Lowell, MA 01852
P: 978.674.4144 • www.LowellMA.gov

ZONING BOARD OF APPEALS: VARIANCE SUPPLEMENT

William Bailey
Chairman

The following application is made to the City of Lowell Zoning Board of Appeals in accordance with the provisions of The Code of Ordinances, City of Lowell, Massachusetts, Chapter 270, Zoning Code.

Property Location: 86 Fairfield st

1. Application Information

Please check all that apply:

The applicant is requesting relief from the Zoning Board of Appeals from the following section(s) of the City Zoning Code. Please note specific standard that is sought to be varied:

____ Article 5.1: Dimensional Requirements _____
____ Article 5.2: Special Dimensional Regulations_____
____ Article 5.3: Open Space Regulations_____
____ Article 6.1: Off-Street Parking Requirements_____
____ Article 6.2: Loading Requirements_____
____ Article 6.3: Sign Regulations_____
____ Article 6.5: Landscaping Requirements_____
____ Article 6.7: Driveway Regulations_____
____ Other:_____

2. Other Required Review(s)

*The applicant shall be required to also fill out the appropriate application/ addendum for any other relief being sought from a City of Lowell Board.

3. Variance Submission Requirements

If the applicant is requesting a variance, the applicant must provide the following:

Please check off that all items are enclosed:

_____A. Completed Main Application and Site Plan Review Supplement (this form)

_____B. One original of adequate plans to allow the Board to address the project and the standards for issuing the permit. Plans must meet the standards outlined in the City of Lowell Zoning Code (the only exception to this is for requests related solely to Special Permits for signage – Please see ZBA: Signage Addendum). In general, Plan(s) shall be drawn at a scale 1" = 20" on one full size plans set (24" by 36" sheets) with the rest as half size plans. Plans shall be drawn by a registered land surveyor, professional engineer, architect or landscape architect, as appropriate. Plans shall be submitted on at least the following separate sheets:

✓ Existing Conditions

✓ Proposed Site Layout

The following may also be requested on separate sheets by the Board

- Landscape/Lighting Detail: Location and type of external lighting; Location, type, dimensions and quantities of landscaping and screening.

- Utilities: Location and dimensions of utilities, including water, surface drainage, sewer, fire hydrants and other waste disposal,
- Elevations/Architectural Plan(s): Architectural plan(s) which shall include the floor plan and architectural elevations of all proposed buildings and/or additions to establish views of the structure or structures from the public way and adjacent properties. (Will be required for projects involving new construction, additions or exterior renovations)

_____C. Filing fees as established by the Lowell Zoning Board and Lowell City Council.

_____D. A narrative addressing how the project meets the Variance Criteria as stated in Section 11.2.3 of the zoning ordinance (please see requirements listed on page 3 of this form.)

_____E. A certified list of abutters within 300 feet of the site (from the City Assessor's office)

_____F. One copy of the Deed, Purchase and Sales, Lease or other document that shows the applicant's relationship to the Property.

_____G. One copy of the plans and other supporting materials in Portable Document Format (PDF)

NOTE: If submitting drainage calculations or other backup engineering data, only two (2) copies of this information are required, as well as one (1) electronic copy in HYDROCAD file format.

*****Impact study(ies) or other documentation may also be requested by the Planning Board**

4. Authorization (Must be Signed by the Owner of the Property)

I am the record 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 agree to provide visual evidence of the Request for Permit Sign posted on the project property to Development Services in accordance with the City of Lowell Zoning Ordinance.

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 certify that under the penalties of perjury, I am authorized to sign this application.

Name (Please Print): Andrew J. Lukasik
Title: _____
Signature: Andrew J. Lukasik
Date: 3/14/16

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.

Submit all required materials to:
Division of Development Services, City Hall, Rm. 51, 375 Merrimack Street, Lowell, MA 01852
Phone: (978) 674-4252 or (978) 674-4144
City Website: www.lowellma.gov

Zoning Code Sections Referencing Variances Issued by the Board of Appeals

11.2.3 Variance Prerequisites. If the application for a variance does not conflict with the foregoing prohibition, variances can only be granted by the Board of Appeals if it finds that owing to circumstances relating to soil conditions, shape or topography of land and especially affecting such land but not affecting generally the zoning district in which the land is located and a literal enforcement of the provisions of the zoning Ordinance would involve substantial hardship to the petitioner or appellant and relief can be granted without substantial detriment to the public good and without nullifying or derogation from the intent and purpose of this zoning Ordinance.

1. The Board of Appeals must find all these prerequisites before it can consider granting a variance. A failure to establish any one (1) of them is fatal.
2. The Board of Appeals is authorized to grant a variance from zoning ordinances only if each of the following jurisdictional conditions precedent exist:

   A. Special hardship: "owing to circumstances relating to the soil conditions shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district"
   B. Public good: "desirable relief may be granted without substantial detriment to the public good"
   C. Intent of zoning satisfied: "without nullifying or substantially derogating from the intent of zoning"

11.2.4 Applicants must submit a plan containing the following data:
(Applicants applying also for site plan review need to meet the application standards for site plan review)

a. It shall be drawn at a scale of one (1) inch equals twenty (20) feet unless another scale is requested and found suitable by the Board;
b. The plan shall be prepared by a registered land surveyor, professional engineer or architect;
c. The scale, date and north arrow shall be shown;
d. The plan shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect on the location of the building(s) setbacks, and other required dimensions, elevations, and measurements and further that the plan be signed under the penalties of perjury;
e. The corner points of the lot* and the change of direction of lines to be marked by stone monuments, cut in stone, stake and nail, iron pin, or other marker, and shall be so marked;
f. Lot* number, dimensions of lot* in feet, size of lot in square feet, and width of abutting streets and ways;
g. Easements within the lot* and abutting thereon;
h. The location of existing and proposed building(s) on the lot;
i. The dimensions of the existing and proposed building(s) in feet;
j. The distance in feet of existing and proposed building(s) from the lot lines;
k. The distance between buildings on the same lot;
l. The percent of the lot* area covered by the building(s);
m. The average finished grade at each building;
n. The elevation above average finished grade of the floor and ceiling of the lowest floor of each building;
o. Topographical lines at one-foot intervals;
p. The use of designation of each building or part thereof, and of each section of open ground, plaza, or useable roof space;
q. Quantities and locations of existing and proposed parking spaces;
r. Height of each building above average finished grade;
s. Number of apartments, hotel rooms, meeting rooms, and restaurant and theater seats;
t. Total square feet of floor space for each use;
u. Dimensions and size in square feet of all landscape and recreation areas, and depiction of materials to be used (grass, five-foot shrubs, etc.).

* Refers also to series of contiguous lots under single ownership.

Disclaimer: This page provides information regarding some pertinent sections of the Zoning Ordinance. It is provided for informational purposes only, and should not be construed as an official zoning document. Consult a certified copy of the complete zoning ordinance for official zoning regulations of the City of Lowell