



Revised October 2023

Town of Leicester
ZONING BOARD OF APPEALS
3 Washburn Square
Leicester, Massachusetts, 01524-1333
508-892-7007
www.leicesterma.org

Zoning Board of Appeals Instructions
for
Variance and Special Permit Applications

Please use the following procedure when applying for a Variance or Special Permit. Items in *italics> are optional but recommended. Unless otherwise noted, each item applies to applications for both Variances and Special Permits. Failure to complete any of the required items could result in delays in the decision process by the Zoning Board of Appeals (ZBA).*

I. Preparing your application:

- 1) Obtain a copy of the Zoning Board of Appeals Instructions and Special Permit & Variance Application Form from the Town Clerk's Office or online on the [Zoning Board of Appeals](http://www.leicesterma.org) web page at www.leicesterma.org.
- 2) Request a Certified abutters list from the [Leicester Assessors Office](#) for abutters within 300' of the subject property (Please be advised that it may take up to 10 days for the Assessors Office to provide a Certified List). The Assessors Office charges \$10.00 for the first page, and \$5.00 for each additional page.
- 3) Review Zoning By-Law Requirements. [Zoning By-Laws](#) are available online at www.leicesterma.org. Paper copies are available for purchase in the Town Clerk's Office.
- 4) Prepare and/or assemble documents to be presented as part of your application:
 - a) Application Form
 - b) Document the reason(s) why the Variance or Special Permit should be granted (on the Application Form and/or as a separate attachments). This should include an explanation of how the project meets the criteria for a Special Permit or Variance (Finding of Facts), as described below:
 1. For Special Permits, See Section 6.4.02 of the Zoning By-Law, and other sections specific to the type of Special Permit requested¹. In addition, describe how the proposed use is in harmony with the general purpose and intent of the Zoning By-Law (MGL Ch. 40A§9)².
 2. For Variance applications, see Section 6.4.03 of the Zoning By-Law and list the hardships on the land or property³.

¹ For example: §4.1, Non-Conformity, §1.5.01, Accessory Structure in Front Yard, §3.2.07, Signs, §5.4 Wireless Communications Facilities, §7.1 Water Resources Protection Overlay District

² Leicester Zoning Bylaw Purpose (§1.2): To promote the health, safety, convenience, morals and general welfare of its inhabitants, to lessen the danger from fire and congestion, and to improve the Town under the provisions of the General Laws, Chapter 40-A.

³ ZBA must find that "owing to the circumstances relating to the soil conditions, shape, or topography of the land or structure involved and especially affecting such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Zoning By-Law would involve substantial hardship, financial or otherwise, to the applicant..."

- c) **Registered Plot Plan prepared by a licensed surveyor or civil engineer.**
IMPORTANT: A tape survey is NOT ADEQUATE and will not be accepted.
The Registered Plot Plan must show:
 - 1. Existing and proposed lot lines and structures
 - 2. All relevant distances to the boundary lines which are not in compliance.
- d) If the application is for a Variance involving alteration of the inside of an existing structure, a detailed blueprint showing the floor plan is required. The blueprint should show all exits and rooms.
- e) *Letter of rejection from the Building Inspector along with a rejected building permit*
- 5) Bring **3 paper copies and a .pdf (on USB drive or CD)** of all of the completed documents, including application form and plans, to the Town Clerk, along with the filing fee of **\$175.00**. Only 1 copy of plans needs to be full size (remaining copies may be 11"x 17"). Only 1 copy of the Abutters List is required with your application. The filing fee should be paid via check made payable to the Town of Leicester, and should identify the Board (ZBA) and project address.

II. Notifying others of the hearing for your application

- 1) The Planning Department will mail abutters notices least **ten days prior** to the hearing, to everyone identified on the Certified Abutters List.
- 2) ZBA staff will place an advertisement for the hearing in a local newspaper
- 3) **Please note the applicant is responsible for advertising fees. The fees will be billed directly to the applicant by the newspaper company.**

III. Attending the hearing

- 1) Be sure that you or your representative is present at the hearing at the scheduled time.
- 2) Submit mailing receipts for the notice to abutters.
- 3) If you haven't already done so, submit a check made payable to the Town of Leicester for the cost of the advertisement.
- 4) When the hearing begins, the applicant is given an opportunity to explain the reasons for the application and why the Variance/Special Permit should be granted.
- 5) The Board of Appeals decides whether to grant the Variance/Special Permit and informs the applicant of the decision.

IV. After the hearing

- 1) The Board of Appeals will file its written Decision with the Leicester Town Clerk within 14 days. A copy of the written Decision will also be sent to the applicant and property owner.
- 2) There is a **20-day appeal period** after the decision has been filed with the Town Clerk before the applicant can take any action granted by the decision.
- 3) If no one appeals the decision within the 20-day period, the Town Clerk issues a **Certificate** indicating that no appeal has been received.
 - a) The applicant must go to the Town Clerk's office to pick up a copy of the **Certificate**.
 - b) The **Certificate** and **Decision** must be brought to the Worcester Registry of Deeds to be recorded. This is located at 90 Front Street, Worcester, MA 01608.
 - c) The applicant shall provide the Zoning Board of Appeals with a copy of the **Decision** bearing the stamp of the Registry of Deeds or Land Court indicating the date and time of the recording or registration and the book and page number assigned the document.
- 4) At this point, the applicant may make use of the Variance/Special Permit in his/her application to the Building Inspector for a Building Permit. Please note that the Town of Leicester Zoning By-Laws require that rights authorized by a Special Permit or Variance shall lapse unless exercised within one year.

For questions, contact the ZBA at 508-892-7007 or zba@leicesterma.org.