FORM A

APPLICATION FOR HEARING

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF LANCASTER:

I, the undersigned respectfully petition your Honorable Board for a hearing upon Applicant's Request for [variance, special permit, comprehensive permit, appeal].

(1) Applicant David Murphy 36 Vincent Ave 978 514 2659
Name / Address / Telephone

(2) Owner SAME
Name / Address / Telephone

(3) If there is an option to purchase; the name and address of the prospective purchaser
N/A

(4) The record Title stands in the name of: David Murphy whose address is 36 Vincent by a Deed duly recorded in the Worcester District Registry of Deeds, Book _____, Page _____ OR Land Court Title Certificate # _____

(5) Said premises are situated in a District classified under the Zoning By-Law of the Town of Lancaster as: Residential

(a) Location of property affected ~~36 Vincent Lot 109~~
(b) Assessor's Book 10, Parcel 109
(c) State what is located on premises (e.g. number, type and use of buildings; type of vegetation, etc.
Wooded Lot
(d) State in full what Applicant desires to do upon the properties: Build 26'x42' Hobby Garage and 16'x24' Hobby Wood Shop

TOWN CLERK
FEB 10 2020
LANCASTER, MA 01523

Received and Filed:

2/10/20
Date

Deanne M. Pranda
Town Clerk

Signature of Applicant

Signature of Owner

SITE PLAN CHECKLIST

A site plan must accompany each application, petition or appeal to the Board for projects involving new construction. This check list provides a summary of the site plan contents as specified in the Board's Rules and Regulations. The Rules and Regulations are available online at www.ci.lancaster.ma.us and at the Community Development and Planning Office.

IMPORTANT NOTE: By checking the "No" box on any of the items listed below, ***the applicant is requesting that Board consider granting a waiver*** of strict compliance with the Rules and Regulations. Please note that if this waiver requested is not granted, the hearing process may be continued until the Site Plan is completed.

Provided YES	Provided NO	Site Plan Requirement
✓		Minimum Drawing size of 8.5" x 11"
✓		Drawn to scale with scale noted
✓		Property lines and boundaries
✓		Name and address of record owner
✓		Names and locations of adjacent streets
✓		North arrow
		Zoning district and any zone lines in vicinity of project
✓		Existing and proposed buildings or additions including number of stories and height of all structures
✓		Paved areas, existing and proposed parking or loading spaces
✓		Existing utility lines including septic and underground structures
✓		Locations of structures on adjoining property
✓		Lot area and dimensions, including setbacks where new construction or additions are proposed

The Board may also require that additional drawings or drawing content be provided specific to the application. This may include items such as site topography or existing and proposed building elevations. The applicant should consider providing this type of information with the initial application if it will help the Board better understand the basis of the requested findings.

INSTRUCTIONS

APPLICATION PROCEDURE

- Obtain application forms from the Community Development and Planning Office located at the Town Hall on the 2nd floor. Application forms are also available online at http://www.ci.lancaster.ma.us.
- Complete applicable forms and required exhibits (see Zoning Bylaw for specifics).
- Complete and have Assessor certify list of Parties in Interest (Form C).
- Complete and have Town Collector certify Revenue Certification (Form D).
- File with Town Clerk completed signed application and forms.
- Applicants will be notified of public hearing date.
- The Board's rules should be reviewed prior to hearing.
- Additional exhibits may be submitted at hearing.
- Do not attempt to discuss case with Board members.
- Applicant must appear personally or by an authorized representative.
- Approved permits allowing use of construction will not take effect until appeal periods expire, the decision is recorded, and proof of recording is submitted to the Community Development and Planning Office.

NOTE: Please submit a complete application. Applications deemed incomplete will not be acted upon.

TOWN CLERK
FEB 10 2020
LANCASTER, MA 01523

RECEIVED
FEB 10 2020
COMMUNITY DEVELOPMENT
AND PLANNING

Town of Lancaster, Massachusetts
Office of Community Development and Planning

LANCASTER BOARD OF APPEALS
VARIANCE APPLICATION

This application consists of several sections. Please read through the entire application before proceeding:

1) Instructions
2) Form A – Application for Hearing
3) Form B – Variance
4) Form C – Certified List of Parties in Interest
5) Form D – Revenue Certification
6) Important Information on Variances

Associated Fees

Variance Application Fee:	$150.00 for a single-family dwelling $250.00 for a multi-family dwelling or commercial property
Advertising Fee:	$50.00

Checks should be made payable to the *Town of Lancaster*.

Important Contact Information

Office of Community Development and Planning	978-365-3326 Ex. 1311
Zoning Enforcement Officer/Building Inspector	978-365-3326 Ex. 1309
Fax	978-368-4009

FORM B (Variance)

REQUESTS FOR FINDINGS OF FACT IN SUPPORT OF PETITION FOR VARIANCE

Petitioner hereby requests that the Board, upon public hearing and after review of the evidence submitted, find as follows in support of the Petition for Variance:

1. The Petitioner, David Murphy whose address is 36 Vincent Ave, is the (owner) (lessee) (optionee) of certain land situated at Lot 109 in the Town of Lancaster and more particularly described in a deed recorded with the Worcester District Registry of Deeds, Book 48190, Page 388.

If Petitioner is not the owner, complete the following:

The owner of said land is _____ whose address is _____

2. Said land is situated in a district classified under the Lancaster Zoning By-Law as Residential.

3. Presently located on the premises is: Old structure 1 story camp Removed

4. The Petitioner(s) desire(s) to use said premises as follows: Hobby garage to Restore 3 antique sports cars in Retirement Hobby wood shop

5. Petitioner requests a variance from the application of the following section(s) of the Zoning By-Law: Section 220-61 F

6. Petitioner alleges that each of the requirements for the grant of a variance set forth in G.L. c. 40A, Section 10 have been satisfied for the following reasons (attach extra sheets if necessary):

   (A) A literal enforcement of the provisions of the Zoning By-Law would involve substantial hardship, financial or otherwise, to the Petitioner for the following reasons: Purchased land with previous Building official saying a permit would not be a problem

(B) Said substantial hardship is owing to circumstances relating to the soil condition, shape, or topography of such land or structures for the following reasons:

N/A
However bought land for sole purpose of building garage.

(C) Said substantial hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located, for the following reasons:

Structure would add value to neighborhood and increase tax revenue.

(D) Desirable relief may be granted without detriment to the public good, for the following reasons:

See above.

(E) Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Town of Lancaster Zoning By-Law for the following reasons:

Will improve neighborhood

7. (Applicable only to use variances) Grant of the requested use variance is authorized by Section 220-61.F of the Lancaster Zoning By-Law as follows:

(A) Such variance shall be applied only to existing structures, including their adaptation for the intended purpose, in the following respects:

N/A

(B) The proposed use or activity is one which is beneficial to the community at large, or to its existing public or semi-public institution, in the following respects:

Enhanced value to neighborhood

(C) No reasonable alternative is provided in the By-Law for the location of the proposed use, in the following respects:

Land is across a dirt road from my house

Signature of Petitioner

Signature of Owner

FORM C

CERTIFIED LIST OF PARTIES IN INTEREST

OWNERS NAME: David Murphy

ADDRESS OF PROPERTY: 36 Vincent Ave + Lot 109

MAP & PARCEL: 10 / 109

The following is a list of all parties of interest, as defined by Massachusetts General Laws, Chapter 40A, Section 11.

PARTIES IN INTEREST shall mean the Petitioner, abutters, owners of land directly opposite on any Public or Private Street or way and abutters to the abutters within 300' of the property line, even though said land is in another city and/or town, and the Planning Boards of Lancaster and contiguous towns.

	NAME	LEGAL MAILING ADDRESS (ZIP)
APPLICANT:	David Murphy	
OWNER:	David Murphy	
AGENT/ATTORNEY:	N/A	
	LANCASTER PLANNING BOARD	
	HARVARD PLANNING BOARD	
	BOLTON PLANNING BOARD	
	CLINTON PLANNING BOARD	
	LEOMINSTER PLANNING BOARD	
	SHIRLEY PLANNING BOARD	
	LUNENBURG PLANNING BOARD	

FORM C

ABUTTERS CERTIFICATION

TAX MAP & PARCEL #	NAME	PROPERTY AFFECTED STREET & NUMBER	LEGAL MAILING ADDRESS (ZIP)

FORM D

REVENUE CERTIFICATION

Application/Petition/Appeal of

1. Applicant: David Murphy
2. Owner: Same
3. Property: Assessors Map 10 Parcel 109

Pursuant to G.L. c. 40D, Section 57, and the General By-Laws of the Town of Lancaster, the undersigned applicant hereby certifies as follows:

1) The following named persons, firms or corporations constitute the complete list of all parties having an ownership or proprietary interest in the property or use subject to the above-entitled application.

2) Each of the below listed parties have complied with the laws of the Commonwealth of Massachusetts and the Town of Lancaster in that they have not neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period.

NAME OF INTERESTED PARTY Dan Murphy, ADDRESS

OWNER:

APPLICANT:

OTHER:

Signed under the pains and penalties of perjury,

Signature of Applicant DATED:

CERTIFIED BY TOWN OF LANCASTER TOWN COLLECTOR

DATED: 2/10/2020

IMPORTANT INFORMATION
ON VARIANCES

A variance is a license or permit granted by the Zoning Board of Appeals ("ZBA") to use land or existing structures or to build and maintain structures in a manner which would otherwise violate the Lancaster Zoning by-laws. A variance is intended to prevent (a) inequities resulting from unique circumstances affecting the land or structure, or (b) the effective confiscation of property by the application of bylaws which prohibit virtually any practical use, or (c) substantial hardship which would otherwise result from strict compliance with the zoning bylaws.

There are two types of variances. "Use" variances allow one to use land or structures in a manner which is not permitted under the zoning bylaws. A "dimensional" variance permits land to deviate from the zoning bylaws with respect to lot size, frontage, setback and height requirements. A "use" variance cannot be granted by the ZBA unless the zoning bylaws expressly permit such a variance.

The authority of the ZBA to grant a variance is extremely limited, and the applicant has the burden of satisfying the legal prerequisites for the grant of a variance. For this reason, the applicant must very carefully and completely explain in Section 6 (and in Section 7, if applicable) of Form B (Requests for Findings of Fact) how each of the legal requirements for relief are applicable to the applicant's Petition. If each of the requirements for the grant of a variance set forth in Section 6 (A-E) of Form B is not satisfied, the ZBA is without authority to find in favor of the applicant's Petition.

Each of the following requirements contained in Section 6 is equally important, and all must be addressed by the applicant. The explanations provided by the applicant on the Form B must permit the members of the ZBA to reasonably reach all of the following conclusions:

(A) The denial of the Petition will cause substantial hardship to the petitioner, such as a substantial financial loss or the inability to use the land or structure for any purpose; and

(B) The land or structure is affected by unusual soil conditions,(e.g. a boggy area), shape (e.g. a pie-shaped lot); or topography (e.g. severe sloping); and

(C) The circumstances which affect the land or structure for which relief is requested are unique to that property and do not generally affect other properties within the same zoning district; and

(D) The requested variance does not alter the essential character of the neighborhood in which the affected property is located; and

(E) Any deviation from the zoning bylaw is not substantial and does not significantly detract from the zoning plan for the district in which the property is located.

By addressing all of the legal requirements for a variance in your Petition, you will significantly increase the likelihood of a favorable result.

WOODS

WOODS

120

20

20

20

20

2

3

42

24

3

WOODS

80

30

26

GARAGE

8

16 WOODSHOP

ONE STORY

ONE STORY

30

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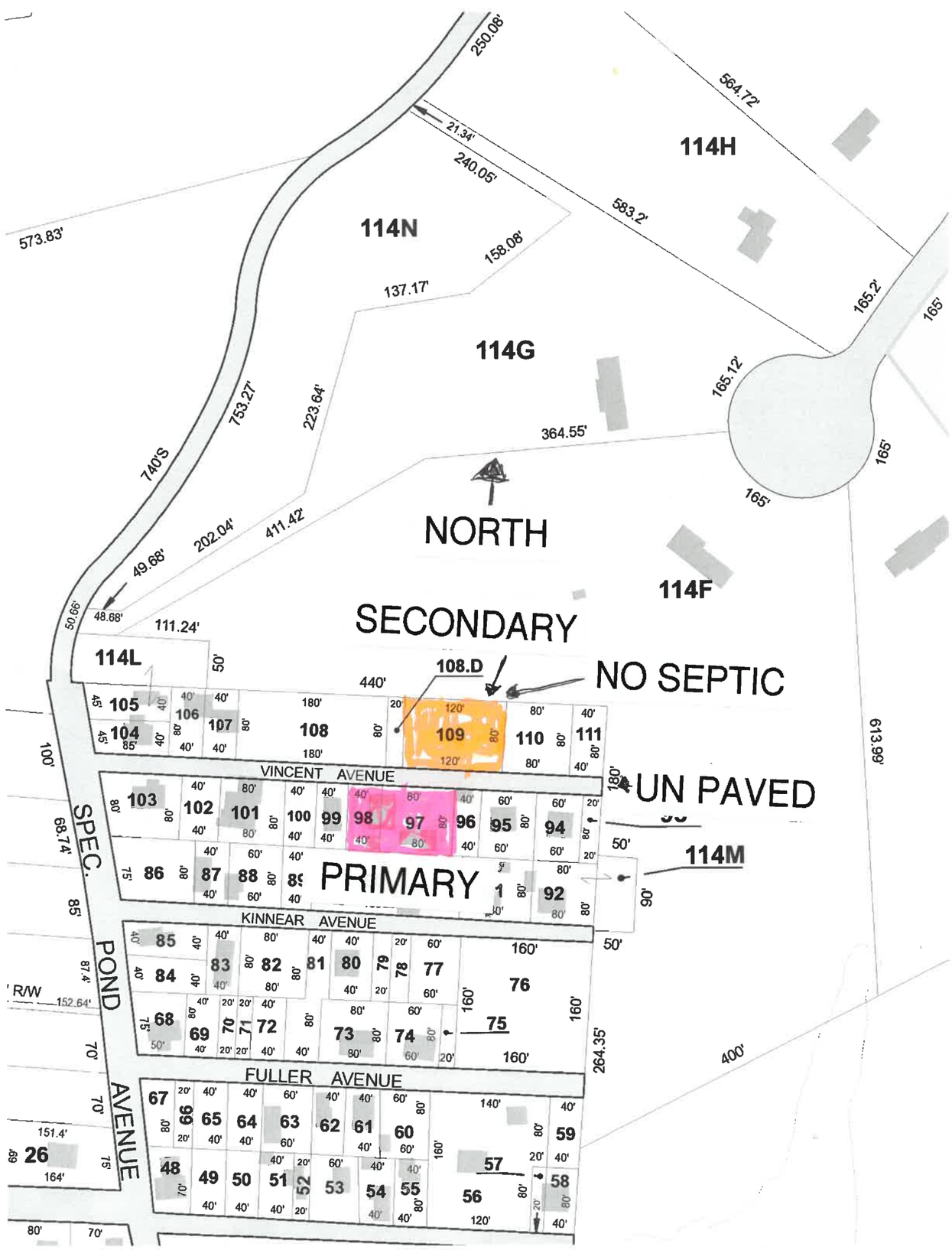
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LOT 109 VINCENT AVE

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120

VINCENT AVE A PRIVATE ROAD
20 FOOT WIDE DIRT ROAD


250.08'
564.72'
21.34'
240.05'
583.2'
114H
114N
573.83'
158.08'
137.17'
165.2'
165'
114G
165.12'
753.27'
223.64'
740'S
364.55'
165'
165'
NORTH
411.42'
202.04'
49.68'
114F
48.68'
50.66'
111.24'
SECONDARY
114L
50'
440'
108.D
NO SEPTIC
613.99'
180'
UN PAVED
VINCENT AVENUE
SPEC.
POND
AVENUE
68.74'
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114M
50'
90'
PRIMARY
KINNEAR AVENUE
160'
50'
R/W
152.64'
87.4'
70'
160'
160'
264.35'
400'
FULLER AVENUE
151.4'
164'
75'
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