

# Special Permit and Variance Process

## STEP ONE

You, the Applicant, submit a proposal to the Inspectional Services Division (ISD) at One Franey Road to apply for a Building Permit and/or a Certificate of Occupancy. ISD will charge you a plan review fee at this stage. Contact ISD for specific submission requirements.

## STEP TWO

ISD will review your application and issue you either a building permit or a denial letter that indicates what violations of the Somerville Zoning Ordinance are triggered by your proposal. The specifics of these violations determine whether you need a special permit(s), a variance, or both. See the other side of this pamphlet for explanations of the differences between a special permit and a variance.

## STEP THREE

If you choose to seek the required special permit(s) or variance(s), obtain an SPGA Application Form from ISD, the Planning Department, or the City's website (<http://www.ci.somerville.ma.us>). The Application Form describes the minimum submission requirements for your application. Call the Planning Staff with any questions you have about completing the application.

## STEP FOUR\*

Once you believe your application is complete, call the Planning Staff to arrange an appointment to submit the application. If your application is complete, the Staff will schedule your case to be heard by the Planning Board, which generally meets every other Thursday at 6:00 p.m. in the

Aldermen's Chambers on the second floor of City Hall. The Staff will also schedule a public hearing for your case with the Zoning Board of Appeals, which meets every other Wednesday, also at 6:00 p.m. in the Aldermen's Chambers.

## STEP FIVE

A Planning Staff member will call you to arrange a site visit, during which the Staff member will examine the site, take photos, and ask questions about your proposal. Based on the information in your application and this site visit, the Staff member will prepare a report for the Planning Board.

## STEP SIX

Attend your scheduled Planning Board meeting. You may present your case, or allow a Staff member to do so on your behalf. If the Board is satisfied with the information presented, then they will vote and forward their recommendation to the Zoning Board of Appeals.

## STEP SEVEN

Attend your scheduled public hearing with the Zoning Board of Appeals. Usually the ZBA does not render a decision on your application at the public hearing, but rather deliberates further and votes at their next meeting.

## STEP EIGHT

If the special permit(s) and/or variance(s) are approved by the Zoning Board of Appeals (with or without conditions), their Administrative Assistant will file the decision with the City Clerk within fourteen (14) days.

## STEP NINE

If no appeals are filed within twenty days (20) of the decision, you can obtain a certified copy of the decision at the City Clerk's office. You must then present this certified decision to the Middlesex County Registry of Deeds to finalize their zoning approval. The Building Inspector may require you to present evidence that this decision has been properly recorded.

## STEP TEN

You are now ready to re-apply for a building permit or a Certificate of Occupancy (C.O.). Five days before you plan to re-apply, you will need to contact the Planning Staff for a final site visit. At this visit, the Staff will make sure that any conditions attached to the special permit(s) been met.

Once it is clear that all is in order, you can obtain a building permit or C.O. at ISD.

*\* For some applications, the Planning Board is the SPGA (Special Permit Granting Authority) and the procedure is slightly different than described here. For more information, contact the Planning Staff.*

**NOTE:** This process is **applicant-driven**, and it is the Applicant's responsibility to submit all required information, to attend all meetings and hearings, and to complete each step of the process.

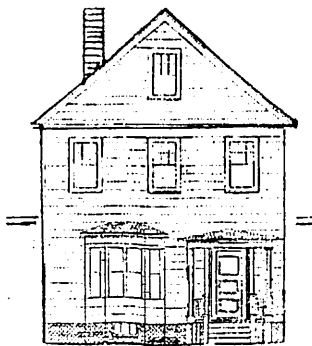
## WHAT IS A SPECIAL PERMIT?

Some land uses in a zoning district are permitted as a property owner's right. Other activities, because of their potential impact on the City or the neighborhood, need individual attention and therefore require special permits.

The special permit granting authority, SPGA, which, for most situations, is the Zoning Board of Appeals (ZBA).

In reviewing a special permit application, the SPGA considers such factors as: compatibility with surrounding uses, neighborhood input, and other site or area-specific issues, as well as compliance and consistency with the standards and purposes set forth in the Somerville Zoning Ordinance. The SPGA may grant a "conditional" special permit, which attaches conditions to the permit that are designed to mitigate the expected impact of your intended land use upon the surrounding neighborhood.

Certain special permit applications require design review (SPD) in order to review the design merits of a project. In addition, certain activities, due to their size or nature, are likely to have significant impacts on the city and are therefore designated as requiring a special permit with site plan review (SPSR). These processes allow for a more thorough review by the SPGA.

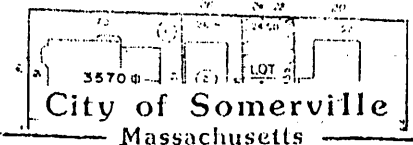
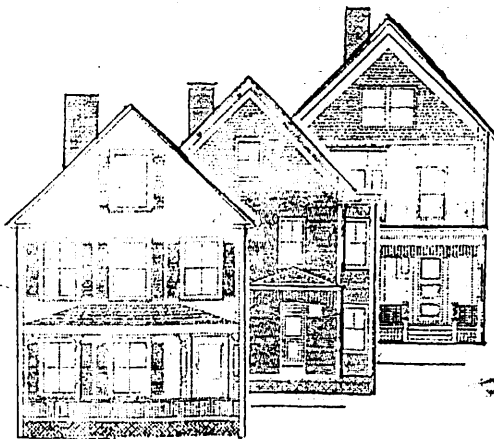


## WHAT IS A VARIANCE?

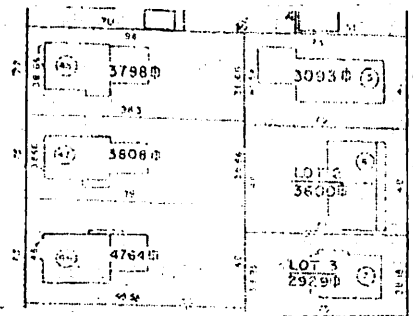
A variance grants relief from the dimensional or parking requirements set forth in the Somerville Zoning Ordinance.

A variance may be authorized only where the ZBA finds that all three of the following conditions apply:

1. *There are special circumstances* related to the soil conditions, the shape, or the topography of the land or structures on the land which affect it, but do not generally affect other properties in the zoning district in which it is located, therefore causing substantial hardship for the owner.
2. The variance, as it is proposed, *is the minimum change that will give the owner reasonable relief* from these conditions, and that is necessary to allow the owner reasonable use of the building or land.
3. The granting of *the variance will be in harmony with the general purpose and intent of the Somerville Zoning Ordinance*, and will not be detrimental to the neighborhood or to the public welfare.



MAYOR JOSEPH A. CURTATONE



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- ① its a label wear people put on me for better or worse
- ② whiffing boy of modernism
- ③ defend rights of modern represent the values