

**Certified by Town Clerk:**

**Filing Fee:**  
(\$135.00)

**Case #**

*COMMONWEALTH OF MASSACHUSETTS – TOWN OF TISBURY*

**PETITION TO THE ZONING BOARD OF APPEALS**

**1. *Petitioner/Appellant (Owner)***  
*(Please See #8 below)*

Name:  
Mailing Address:

**Email:**  
Home #:  
Work #:

Signature:

**2. *Property:***

Registry of Deeds, Book \_\_\_\_\_ Page \_\_\_\_\_, or Land Court # \_\_\_\_\_

Tisbury Assessor Parcel # \_\_\_\_\_

Location (Street & Number) \_\_\_\_\_

**(Brief directions to property)**

**3. *Property Owner:***

Name and Address:

Signature:

(By signing this petition, the property owner also authorizes the Board's entry to the property for inspection purposes.)

**4. *Nature of Application (Circle one and complete):***

(a) I am requesting a special permit for:

**or**

(b) I am requesting a variance from:

**or**

(c) I am appealing the decision of the Building/Zoning Inspector or Board

Dated \_\_\_\_\_ for \_\_\_\_\_.

**5. *Petition is made under the Zoning By-law, Section(s)* \_\_\_\_\_**

6. Attorney Name, phone # & email: (if applicable):

7. Agent Name, Address, phone & email (if applicable):

**8. *\*\*If petitioner is not the property owner (i.e. renter in a leased building), written authorization from the property owner must be submitted in writing with this application. Contractors, surveyors, etc. are to be listed under #7 (Agent).***

9. Petitioner is advised that proceedings and requirements of the ZBA are governed by statutes of the Commonwealth, Tisbury Zoning By-law, and Board of Appeals' Rules and Regulations (copies available for inspection at the Town Clerk's office). Consult those documents for information and requirements. Under the Tisbury Zoning By-law, Special Permits and Variances are "exceptions," and the petitioner must evidence exceptional and appropriate circumstance(s) to warrant consideration.

### INSTRUCTIONS FOR PETITIONERS

1. Obtain official petition form from either the Town Clerk or Board of Appeals office.
2. Consult the Zoning By-laws which list requirements for your petition. Copies of these documents are available for inspection in the offices of the Town Clerk and Board of Appeals and may be purchased elsewhere.
3. If you have any questions about completing the petition the Board of Appeals' secretary may assist you. If you have questions pertaining to the substance of your petition, please consult your attorney or the Building/Zoning Inspector. Board members may **NOT** offer advisory opinions or discuss petitions to the Board – so please do not phone or speak with any ZBA member about any matter pending before them.
4. In order to be processed, your petition must be complete with ALL required information and accompanied by three (3) copies of a plan of land prepared and stamped by a Registered Land Surveyor. Existing and proposed structures on the land, indicating setbacks to all property lines shall be shown and any proposed data shall be highlighted in red on the plan. The petition shall also be accompanied by existing and proposed elevations of the land and/or structures, if applicable. The board retains the right to require any additional plans or information, as it deems necessary in making its determination.
5. Plans submitted to the Board of Appeals shall be exact duplicates of those submitted to all other Town boards and shall conform to the standards as set forth in the Tisbury Zoning By-laws, Section 10.04.01. ***With the exception of the site plan, no other submitted plans shall be printed on paper larger than 11"x17"***.
6. Take your completed petition and all appropriate plans (3 sets of each) to the Town Clerk, along with a check for the filing fee in the amount of one hundred thirty-five (\$135.00) dollars.
7. The Board of Appeals will schedule a hearing on your petition ***within sixty-five (65) days*** of the Town Clerk's receipt of your petition. Notice shall be published and mailed in accordance with the provisions of MGL, Chapter 40A, S. 11.
8. All notices for public hearing will be submitted to the newspaper a minimum of two weeks prior to the scheduled date of public hearing. ***Applicants shall be responsible for the costs associated with publishing the advertisement and shall be billed by either the Vineyard Gazette or Martha's Vineyard Times directly.***
9. Time limits for hearings and decision may be waived upon request by petitioner and approval of the Board.

## Checklist for completing your petition.

- \_\_\_\_\_ Name, mailing address, email address & phone numbers of Petitioner/Appellant
- \_\_\_\_\_ Registry of Deeds book & page numbers (Land Court # if applicable). This information can be found on your deed, from the Registry of Deeds in Edgartown or in the Tisbury Assessor's Book.
- \_\_\_\_\_ Assessor Parcel number
- \_\_\_\_\_ Location of property (number & street). Directions or landmarks nearest you would be most helpful.
- \_\_\_\_\_ Property owner(s) name and address (if different from Petitioner/Appellant in #1).
- \_\_\_\_\_ Property owners signature acknowledging the filing of the petition and authorizing entry to the property for inspection purposes.
- \_\_\_\_\_ Nature of application. Only one section may be checked and a description of what is requested must follow. If more than one section must be checked, separate applications (one per petition) and an additional filing fee will be required.
- \_\_\_\_\_ Appropriate by-law section. (See the Tisbury Zoning By-law).
- \_\_\_\_\_ Name and address of attorney, if applicable.
- \_\_\_\_\_ Name and address of agent, if applicable.

### **To the Town Clerk:**

- \_\_\_\_\_ **THREE** copies each of completed petition form and all applicable, appropriately sized plans. (Submitted plans must be identical to those submitted to all other town boards.)
- \_\_\_\_\_ Filing Fee (\$135.00)
- \_\_\_\_\_ Town Clerk must certify receipt of your complete petition and will retain one complete set.
- \_\_\_\_\_ Bring TWO complete sets of petition and plans back to the Zoning Board of Appeals office.

After the hearing, the Board will make a decision and file it officially with the Town Clerk. During the twenty-day appeal period, the decision may be appealed. After the twenty-day period, if no appeal has been made, the petitioner may pick up the original decision from the Town Clerk. The petitioner shall record the original of a decision granting a special permit or variance in the Registry of Deeds at the Courthouse in Edgartown, and shall provide evidence of such recording to the Board.

When submitting plans with the ZBA, please keep in mind the following:

All floor plans and elevation drawings must be on paper no larger than 11”x17”.

If your project is located within the Coastal District or the Island Road District: Please submit One (1) extra site plan (in addition to the required three (3)).