

ZONING BOARD OF APPEALS – INFORMATION AND APPLICATION

Please review the following document and the relevant sections of the Easthampton Zoning Ordinance prior to submitting your application and appearing before the Board.

All appeals and applications must be accompanied by the information as described on the following pages and in the Easthampton Zoning Ordinance. All applications and appeals must have a time-stamp by the City Clerk showing the date submitted or the application will not be considered complete/submitted.

The Zoning Board of Appeals (ZBA) meets the second Thursday of each month (unless otherwise indicated). The application deadline for each meeting is three (3) weeks ahead of each meeting. For more information or clarification please contact the City Planning Department at 413.529.1405.

SPECIAL PERMITS

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. Depending on the proposed use, the ZBA can hear these applications after receiving a completed application and holding a duly publicized hearing.

In reviewing a Special Permit application, the ZBA considers such factors as: compatibility with surrounding uses, public input, and neighborhood-specific issues, public convenience and welfare, as well as compliance and consistency with the standards, general purposes, and intents set forth in the Zoning Ordinance. The ZBA may grant a Special Permit as presented, grant a Special Permit with conditions, or deny the Special Permit application.

Read the regulations and procedures outlined in Section 12.7 of the Zoning Ordinance and be prepared to present the appropriate required information.

The Zoning Board of Appeals must hold a public hearing on the Special Permit request within 65 days of the application's filing date and must render a decision within 90 days after the date of the public hearing.

VARIANCES

A variance grants relief from the dimensional (lot area, height, bulk, setbacks, etc.) or parking requirements set forth in the Zoning Ordinance per Section 13.1. The Easthampton Zoning Ordinance does not permit variances for uses. The ZBA must find based on the information provided that **all four** of the following conditions apply in order to grant a variance:

- that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures which affect the petitioner or appellant but do not generally affect the zoning district in which it is located
- that a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant
- that desirable relief may be granted without substantial detriment to the public good
- and that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.

Read the regulations and procedures outlined in Section 13.1 of the Zoning Ordinance before submitting your application. Be prepared to present the information that satisfies the above conditions at the public hearing. It is strongly suggested that this information be prepared in writing and submitted to the Planning Department before the public hearing. In order to facilitate and expedite the Boards consideration of your

application, include all factors that may be relevant to the question of hardship - financial or otherwise. Hardship may also include a "hardship of the land" and the petitioner should present all facts indicating why a hardship exists and how it may be overcome by the granting of the Variance.

The ZBA must hold a public hearing on the Variance request within 65 days of the application's filing date and must render a decision within 100 days of hearings closure.

APPEALS

Appeals of administrative orders or decisions are heard by the ZBA and must be filed with the City Clerk within thirty (30) days from the date of the order or decision which is being appealed. Administrative appeals may be made by any person aggrieved by reason of an inability to obtain a permit or enforcement action from any administrative office under the provisions of M.G.L. Ch.40A; or by any person, including any officer or board of the city or any abutting community, aggrieved by any order or decision of the Building Inspector or other administrative official, in violation of any provision of M.G.L. Ch.40A or the Easthampton Zoning Ordinance.

The ZBA must hold a public hearing on the appeal request within 65 days of the application's filing date and must render a decision within 100 days of hearings closure.

Appeals of a variance or special permit are heard in the Land Court or Hampshire County District or Superior Court and must be filed with the City Clerk within twenty (20) days of the City Clerk's receipt of the decision. Appeals of a special permit/variance decision may be made by any person, municipal officer, or board aggrieved by the decision or aggrieved by the failure of the granting authority to take final action concerning any appeal, application for a special permit/variance, or petition within the required time.

ADDITIONAL APPLICATION INFORMATION

Each application/petition to the ZBA shall consist of one digital copy and one time-stamped hard-copy of the following application, required information, map & parcel information from the City Assessor, and plan as described in Section 12.75 of the Easthampton Zoning Ordinance. If a digital version is not submitted then five time-stamped hard-copies of the application, required information, map & parcel information from the City Assessor, and plan are required.

FEE SCHEDULE*

Administrative Appeals:	\$ 75.00
Variance Applications:	\$ 150.00
Special Permit Applications:	\$ 150.00
Comprehensive Permit Applications:	\$ 250.00 x number of proposed units**

** The above application fees do not include the cost of legal notification and advertising as required for public hearings.*

*** There is no fee for the units associated with Local Initiative Projects (see comp permit rules for more information)*

Completed applications are to be filed with the office of the City Planner, 50 Payson Avenue and shall be accompanied by a check, payable to the *City of Easthampton*.

Do not write in this area - official use only

ZONING BOARD OF APPEALS APPLICATION FOR HEARING

Applicant Information **Date:** _____

Name: _____

Address: _____

Phone: _____ Email: _____

Applicant is: Owner Owner's agent Tenant Prospective owner/tenant
 Other _____

Property Owner Information (if different from applicant)

Name: _____

Address: _____

Phone: _____ Email: _____

Property Information

Address: _____

Assessor Map & Lot: _____ Zoning District: _____ Lot Size: _____

Type of Hearing Requested (check all that apply)

- Special Permit (use) Variance Comprehensive Permit Amendment, Modification, or Renewal
- Special Permit (signage, accessory apartment, or pre-existing nonconforming use or structure)
- Appeal of Prior Decision (Building Inspector, Zoning Enforcer, Planning Board, etc.)

Applicable Section(s) of Zoning Ordinance: _____

Explanation of Application or Appeal (attach additional sheets as needed):

Appeals, Amendments, Modifications, or Renewals:

- Date of decision and/or denial by Building Inspector / Zoning Enforcement Officer / Planning Board / Other: _____
- Date of decision to be amended, modified, or renewed: _____

All Applicants: *I hereby request a hearing before the Zoning Board of Appeals and attest that all information provided as part of this application and presented at the hearing is accurate and true to the best of my knowledge. I understand that knowingly providing false information could result in the revocation of any ZBA grant.*

Signature of Applicant: _____ **Date:** _____

If the Applicant is not the Property Owner of Record, then the signature of the Owner is required below:

Signature of Owner: _____ **Date:** _____

Note: If the Applicant is unable to attend the hearing to explain the application to the board, or is authorizing a representative (legal or otherwise) to speak on their behalf, the **Authorization to Represent Applicant** form must be completed and presented to the Board prior to the start of the hearing and will become part of the public record.

AUTHORIZATION TO REPRESENT APPLICANT

If you are unable to attend the hearing to explain your application to the board, or are authorizing a representative (legal or otherwise) to speak on your behalf, the following statement regarding representation must be given to the board prior to the start of the hearing and will become a part of the official record:

Date: _____

I/we, _____,

authorize _____

to represent my/our interests in the application being heard by the Zoning Board of Appeals for the property located at _____

_____, Easthampton, MA.

I/we hereby acknowledge that a decision rendered by the Zoning Board of Appeals based on information given by my/our representative will be considered final, unless appealed in Superior Court in accordance with MGL Chapter 40A, Section 17.

Printed name(s) of Applicant(s)

Signature(s) of Applicant(s)

Date

Representative name: _____

Address: _____

Phone: _____ Email: _____

As designated representative, I acknowledge that the decision (and any conditions) made by the Zoning Board of Appeals based upon my presentation is binding upon the applicant.

Signature of Representative

Date