

# **INSTRUCTIONS FOR APPEARING BEFORE THE ZONING BOARD OF APPEALS**

Please review all rules and regulations of the Zoning Board of Appeals prior to appearing before the Board. All appeals and applications must be accompanied by a plan and information as described on the following page.

## **APPEALS**

An appeal to the Zoning Board of Appeals shall be filed within thirty days from the date of the order of decision which is being appealed.

## **VARIANCES**

To be granted a Variance, a petitioner must establish that special conditions exist affecting the parcel of land or building in question and that literal enforcement of the Zoning Ordinance would involve substantial hardship - financial or otherwise - and that the Variance may be granted without detriment to the public good and without nullifying or substantially derogating from the intent of the ordinance. **BE PREPARED TO PRESENT THIS DATA AT THE PUBLIC HEARING.** It is strongly suggested that this data be prepared in writing and submitted to the Board at the hearing.

In order to expedite consideration of your application, include all factors that may be relevant to the question of hardship - financial or otherwise - including, but not limited to, purchase price, when purchased, mortgage indebtedness, expenses of maintenance and upkeep, income taxes, etc. 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 Zoning Board of Appeals must hold a public hearing on the Variance request within 60 days of the application's filing date and must render a decision within 100 days of filing.

## **SPECIAL PERMITS**

If you are requesting a Special Permit, be prepared to present data that tends to indicate that the public convenience and welfare will be not be substantially affected by the proposal presented to the Board. Also, your application should show that if permission is granted, the status of the neighborhood will not be impaired and the proposed activity or project will be in harmony with the general purposes and intent of the regulations in the Zoning Ordinance.

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.

## **ZONING BOARD OF APPEALS APPLICATION INFORMATION**

Each application and petition to the Zoning Board of Appeals shall be accompanied by **FIVE** copies of the following application and **FIVE** copies of a plan as described below:

The size of the plan shall be 8 1/2" x 11" or 11" x 17", drawn to scale, 1 inch equals 40 feet; it shall have a north point, names of streets, zoning districts, names of owners or properties within abutting area of the subject property, property lines and location of buildings on surrounding properties. The location of the building or use of property where a Variance or Special Permit is requested and distances from adjacent buildings and property lines shall be verified in the field and shown on the plan. The dimensions of the lot, and the percentage of the lot covered by the principal and accessory buildings, and the required parking spaces, shall be shown. Entrances, exits, driveways, etc. that are pertinent to the granting of the Variance or Special Permit, shall be shown in red. **All proposed data should be shown in red.**

**Also accompanying each application will be a copy of the city Assessor's Map showing the parcel of property in question.**

ALL APPLICATIONS SHALL BE ACCOMPANIED BY A CHECK, MADE PAYABLE TO THE CITY OF EASTHAMPTON.

### **FEE SCHEDULE:**

<b>VARIANCE APPLICATION:</b>	<b>\$150.00</b>
<b>SPECIAL PERMIT APPLICATION:</b>	<b>\$150.00</b>
<b>APPEALS:</b>	<b>\$ 75.00</b>
<b>COMPREHENSIVE PERMIT APPLICATION:</b>	<b>\$500.00</b>

\*In addition to the above application fees,  
all applicants will be required to pay the cost of legal advertising.

THE ZONING BOARD MEETS THE FOURTH TUESDAY OF EACH MONTH (unless otherwise indicated). **The deadline** for each meeting is approximately **2 ½ weeks ahead of each meeting**. PLEASE CONTACT THE CITY CLERK'S OFFICE FOR SPECIFIC MEETING DEADLINES – 529-1460.

**COMPLETED APPLICATIONS ARE FILED IN THE OFFICE OF THE CITY CLERK,  
50 PAYSON AVENUE.**

**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:

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Date: \_\_\_\_\_

I/we, \_\_\_\_\_,

authorize \_\_\_\_\_ to

represent my/our interests in the application being heard by the Zoning Board of Appeals for 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 accordance with MGL Chapter 40A, Section 17.

\_\_\_\_\_  
Printed name(s) of Applicants

\_\_\_\_\_  
Signature(s) of Applicant(s)

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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

**ZONING BOARD OF APPEALS – APPLICATION FOR HEARING**

**DATE:** \_\_\_\_\_

**1. APPLICANT**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

APPLICANT IS:  Owner     Owner agent     Tenant     Prospective owner/tenant  
 Other \_\_\_\_\_

**2. PROPERTY**

ADDRESS: \_\_\_\_\_

ZONING DISTRICT: \_\_\_\_\_ LOT SIZE\*: \_\_\_\_\_

\*Available from Assessor's Office

**3. PROPERTY OWNER (if different from Applicant):**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

**4. TYPE OF HEARING REQUESTED:**

Appeal of Building Inspector/Zoning Enforcer's decision     Variance  
 Special Permit     Comprehensive Permit

**5. EXPLANATION OF APPLICATION/APPEAL (Attach additional sheets if needed):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. APPLICABLE SECTION OF ZONING ORDINANCE (Must be completed):**

\_\_\_\_\_

**7. FOR APPEALS:**

Date of denial/decision by Building Inspector/Zoning Enforcer: \_\_\_\_\_

Date of denial/decision by Planning Board: \_\_\_\_\_

*I hereby request a hearing before the Zoning Board of Appeals with reference to the above noted application or appeal.*

**SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

If Applicant is not the property owner of record, then signature of 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.

Site plan attached\*

Proper fee included

\* If application is for new free-standing structure(s) or building(s), elevation design drawings are also required.