

# Town of Lenox

## Zoning Board of Appeals - Procedure for Filing Petitions

Please take into consideration that this process can take over (5) five weeks, so file early.

To prepare for filing your petition first secure from the Tax Assessor's Office the Map and Parcel number and the zoning for the property. This information is required on the petition form.

**Filing Fee:** A \$150.00 filing fee is due with the petition. If hearing expenses exceed this amount the Zoning Board of Appeals will bill the petitioner. Expenses for which petitioners may be additionally billed include legal advertising, postage and clerical costs in support of the Board's activities on the petition. Legal notice of each hearing must be published twice in a newspaper and must be sent by First Class Mail to abutters. The Board takes care of such publication and notification.

**Who May File:** The only person who may file a petition are the owner or owners of a property or someone with an ownership interest in the property. An example of this would be someone who has a purchase and sale agreement or a long term lease.

**Grounds For Petitions:** The Lenox Zoning Bylaws gives the ZBA the authority to hear petitions concerning:

1. Administrative appeals from orders of the Building Inspector or other Town Officials denying permits or requests for enforcement of provisions of the Zoning Bylaw. (One must file within 30 days of denial.)
2. Special Permits which are required for certain uses in certain districts or for particular exceptions for which the Bylaw provides.
3. Variances exempting parcels of land from specific requirements of the Bylaw upon proof of the requirements described in the Bylaw.

**How to File:** You must submit to the Town Clerk the filing fee and four complete sets of:

- o The petition
- o Petitioner's plans
- o Sketches and any other supporting documents
- o **All sets of drawings must be reduced to size 8 1/2 x 11**

Plans submitted must be as complete as possible, including a plot plan as well as sketches drawn to scale. Plans/sketches should show all relevant information about the proposed use, including existing and proposed buildings, structures, parking areas, driveways, drainage and any easements on the property. New buildings or modifications require plans of room layouts.

**At The Hearing:** Petitioners should bring five additional copies of their petition and plans/sketches for use by Board members at the hearing. Sites visits by Board members are held in some cases and are scheduled at the time of the hearing.

**The Decision:** The Zoning Board's written decision is filed with the Town Clerk and the Planning Board within 14 days of the hearing. A copy of the decision is thereafter mailed to the petitioner/owner. Twenty days after the decision is filed with the Town Clerk, a certified copy of the notice of recording will be available at the Town Clerk's Office. In order to effectuate the Special Permit or Variance, the petitioner **must file** this NOTICE FOR RECORDING with the Berkshire Middle Registry of Deeds in Pittsfield.

**Appeals:** Any appeal from the Board's decision must be made within 20 days of the filing.

The Commonwealth of Massachusetts  
Town of Lenox

The undersigned hereby Petitions the Town of Lenox Zoning Board of Appeals for:

- A Special Permit for exception under the provisions of Section \_\_\_\_\_ of the Town of Lenox Zoning By-Law.
- A Variance from the following provisions of the Town of Lenox Zoning By-Law. (List provisions from which a variance is requested.)

To permit the following use or activity (describe proposed use or activity):

For premises:

Owner of Record \_\_\_\_\_

Address \_\_\_\_\_

Map and Parcel \_\_\_\_\_

Zoned as \_\_\_\_\_

Deed Reference Book \_\_\_\_\_ Page \_\_\_\_\_

Petitioner \_\_\_\_\_

Address (Mailing Address) \_\_\_\_\_

Telephone Number \_\_\_\_\_

Date \_\_\_\_\_

