

The Commonwealth of Massachusetts
TOWN OF LENOX

Filing fee is due with the petition. If hearing expenses exceed this amount the Zoning Board of Appeals will bill the petitioner.

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

☒ A Special Permit for exception under the provisions of Section 9.2 of the Town of Lenox Zoning By-Law.

☐ A Variance from the following provisions of Section _____ of the Town of Lenox Zoning By-Law.

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

Convert a portion of the existing habitable space within the structure for use as an accessory dwelling unit.

For premises:

Owner of Record Philip and Sharon Cooper
Address 74 King William Road
Map and Parcel Map 28, Parcel 61
Zoned as R1A, Open Space Flexible Development Overlay District
Deed Reference Book 7382 Page 257

(This information is available from the Assessor's Office or townoflenox.com in the Property Assessments-Online Database section.)

Petitioner Philip Cooper/amk
(Your signature here also acknowledges that you agree to pay all hearing expenses relative to this petition.)

Address (Mailing Address) c/o Michael S. Kulig, Berkshire Engineering, Inc., 80 Run Way, Lee, MA 01238
Telephone Number 413-243-4122
Email address mkulig@berkshireengineering.com
Date 5/31/2023

ADDENDUM TO SPECIAL PERMIT PETITION

Applicant: Philip and Sharon Cooper
Property Location: 74 King William Road
Lenox, MA 01240

Property Owner: Philip and Sharon Cooper
May 2023

The Petitioner is requesting a Special Permit pursuant to Section 3.4 and Section 9.2 of the Town of Lenox Zoning Bylaws (“Bylaws”) to permit an Accessory Dwelling Unit (ADU) attached to an existing single-family home located on parcel Map 28, Lot 61. The property encompasses approximately 0.82 acres and located in the R-1A Zoning District. The current use is Residential.

Pursuant to Subsection 3.4 of the Bylaws, the Zoning Board of Appeals may authorize by Special Permit, an ADU. Following excerpts are taken from Lenox Zoning Bylaws:

3.4. SPECIAL PERMITS

3.4.1. Special Permit Granting Authority

Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

3.4.2. Criteria

Unless otherwise specified herein, special permits shall be granted by the Special Permit Granting Authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

- 1. Community needs served by the proposal;*
- 2. Traffic flow and safety, including parking and loading;*
- 3. Adequacy of utilities and other public services;*
- 4. Neighborhood character and social structures;*
- 5. Impacts on the natural environment; and*
- 6. Potential economic and fiscal impact to the Town, including impact on town services, tax base, and employment.*

Based on review of the project, we offer the following comments with regards to required findings:

Upon issuance of a Special Permit, the proposed reconstructed home will be in compliance with the general intent and purpose of the bylaw as outlined in Section 9.2 of the bylaw. No increase in traffic, safety, parking or loading is anticipated by this request. No increase in bedrooms, number of occupants or burden on existing infrastructure is anticipated. The neighborhood character and social structure will remain intact. No impacts on the natural environment are proposed by this application. Potential economic benefit to the Town may be realized through this request.

9.2 ACCESSORY DWELLING UNIT

9.2.1. Purpose The intent of permitting Accessory Dwelling Units (ADU) is to: 1. Provide older homeowners with a means of obtaining rental income, companionship, security and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave; 2. Add moderately priced rental units to the housing stock to meet the needs of smaller

households and make housing units available to moderate income households which might otherwise have difficulty finding housing; 3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle; and 4. Protect stability, property values, and the single-family residential character of a neighborhood by ensuring that ADUs are installed only in owner occupied houses.

9.2.2. *Special Permit Required; The Board of Appeals may grant a special permit for one ADU per lot in the R-3A, R-1A, R-30, and R-15, subject to the following standards.*

SECTION 9.2.3 Standards (Followed by Commentary)

1. *Configuration. An ADU may be located either within, attached to, or detached from the principal structure. Not more than one such unit shall exist on any lot.*

Comment: The ADU is located within the principal structure.

2. *Density. Only one ADU may be created in conjunction with each single-family residence.*

Comment: There will only be one ADU on this property.

3. *Minimum lot size. An ADU shall not be established on any parcel smaller than 10,000 square feet.*

Comment: The existing lot size is 35,960 sf which exceeds the minimum lot size of 10,000 square feet.

4. *Maximum unit size. The gross floor area, calculated from finished wall to finished wall, of an existing structure, an addition, or new detached structure, converted to, or constructed for the purpose of creating an ADU shall not exceed 40 percent of the gross floor area of the principal single-family structure, not including garage and/or detached accessory buildings or 800 square feet, whichever is less.*

Comment: The gross floor area of the principal single-family structure is approximately 3,128 square feet. 40% of the principle single family structure is 1,251 square feet, therefore the ADU can be 800 square feet maximum. The ADU for this property is 789 square feet.

5. *Minimum unit size. The gross floor area of an ADU shall not be less than 300 square feet even if this exceeds the maximum requirement above, or as otherwise established by the requirements of the Town of Lenox.*

Comment: The proposed ADU is larger than 300 square feet.

6. *Setbacks and lot coverage. Additions to existing structures or accessory structures associated with the establishment of an ADU shall comply with the maximum lot coverage and minimum setbacks of the district in which the property is located. The applicable setbacks shall be the same as those prescribed for the principal structure, not those prescribed for detached accessory structures. An applicant may establish an ADU as part of a preexisting nonconforming structure provided alterations or extensions do not exceed 50 percent of the existing floor area and do not increase the nonconforming nature of said structure as it relates to front, rear and side setbacks and lot coverage.*

Comment: Setback and lot coverage are not altered as there are no additions or new structures being built.

7. *Scale and visual subordination. The ADU shall be visually subordinate to the principal unit. Specifically, new detached structures, or additions to existing structures, created for the purpose of establishing an ADU, shall be consistent in massing, scale and detail with the existing structure and to the greatest extent possible be indistinguishable from the single-family nature of the property.*

Comment: Scale of the existing structure is not altered as there are no additions or new structures.

8. *Design and Appearance.* The external appearance of the existing structure shall not be significantly altered from the original and shall maintain the character of the neighborhood. Any stairways, access, or egress alterations serving the ADU shall be enclosed, screened, or located so that visibility from public ways is minimized. The roof pitch, siding materials, color and window treatment of the ADU shall be the same as the principal structure.

Comment: The mass of the existing house is not being altered. Windows have been reconfigured and exterior doors have been added to accommodate the layout of the ADU.

9. *Parking.* Additional on-site parking of one space is required in conjunction with the establishment of an ADU. The off-street parking requirements set forth in Section 7.1 shall be maintained for the principal residence.

Comment: There is a parking space for the ADU in the garage and the existing driveway width of approximately 30' is not being altered.

10. *Accessibility.* To encourage the development of housing units for people with disabilities, the Board of Appeals may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facility shall be in conformance with state ADA and applicable building codes.

Comment: Accessibility features are not being included.

11. *Owner Occupancy Requirement.* Either the ADU or the principal unit shall be occupied by the owner of the property except for bona fide temporary absence. Prior to the issuance of a special permit, the owner of the premises shall submit a notarized affidavit certifying that the premises will continue to be occupied by the owner as his or her principal domicile, except for bona fide temporary absences. The special permit and the notarized affidavit shall be recorded with the Berkshire Middle District County Registry of Deeds, in the chain of the title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the ADU.

Comment: The ADU or the principal unit shall be occupied by the owner of the property.

12. When a structure which has received a permit for an ADU is sold, the new owner(s), if they wish to continue to exercise the permit, must, within 30 days of the sale, submit a notarized affidavit to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences.

Comment: N/A

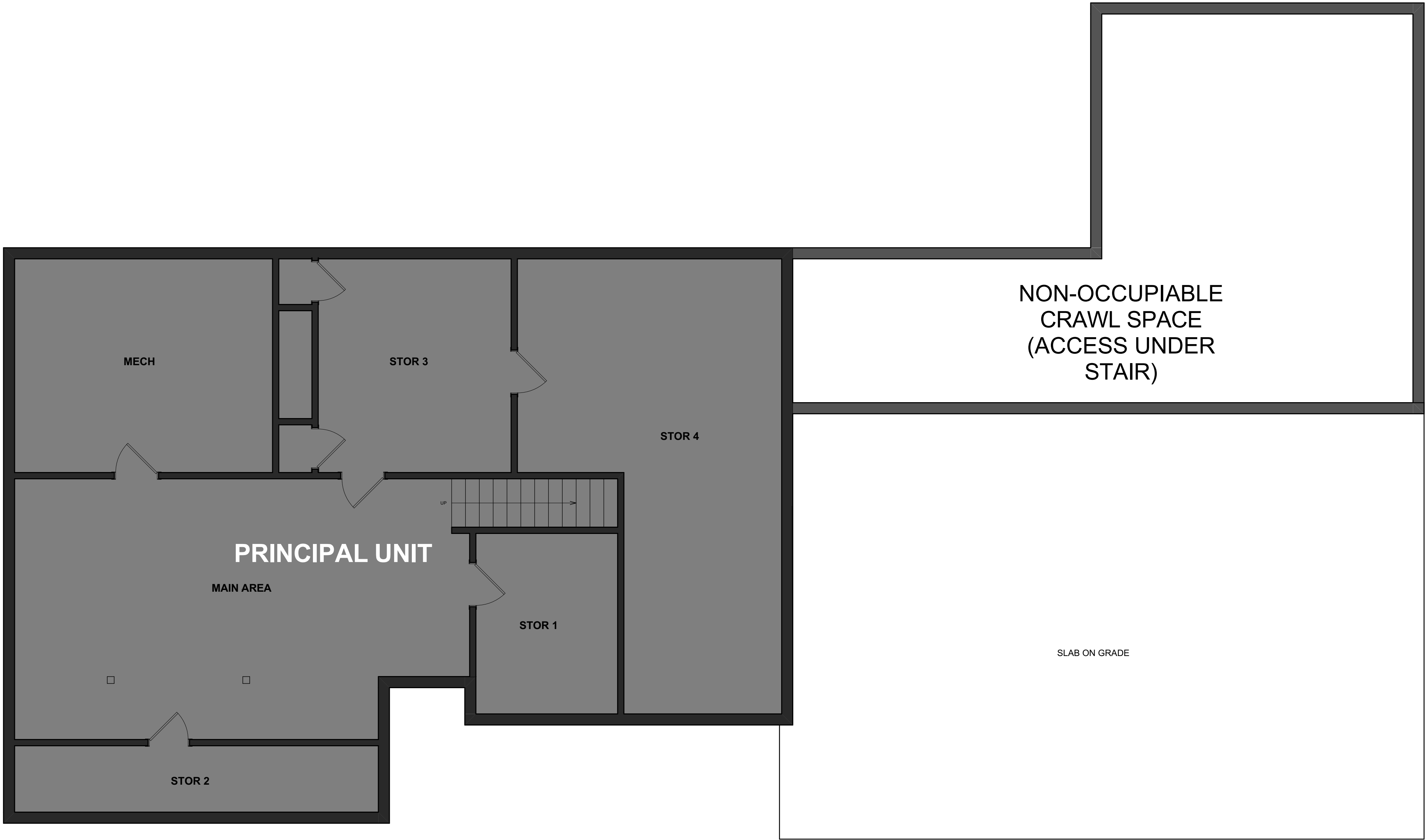
13. *For the purposes of this Bylaw, the "owner" shall be defined as one or more individuals residing in a dwelling, who hold title and for whom the dwelling is the primary residence for voting and tax purposes. Said owner may designate a legal relative as a "life tenant" who may occupy the house in the owner's stead. Certification by affidavit shall be provided by the owner.*

Comment: The owner shall be residing on the property as a primary residence.

9.2.4. *Conversion of an Accessory Structure* An accessory garage structure or other outbuilding may be converted to accommodate an accessory dwelling unit provided that the structure complies with the established setback standards for a principal structure, not accessory structure, as prescribed in the underlying zone, applicable building codes, and all other applicable standards, unless otherwise exempt. Conversion of such accessory structure shall not result in the elimination of the requirement of one legal on-site parking space to serve the single family residence.

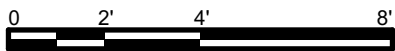
Comment: The existing garage is remaining intact.

END DOCUMENT



1

BASEMENT
SCALE: 1/4" = 1'-0"

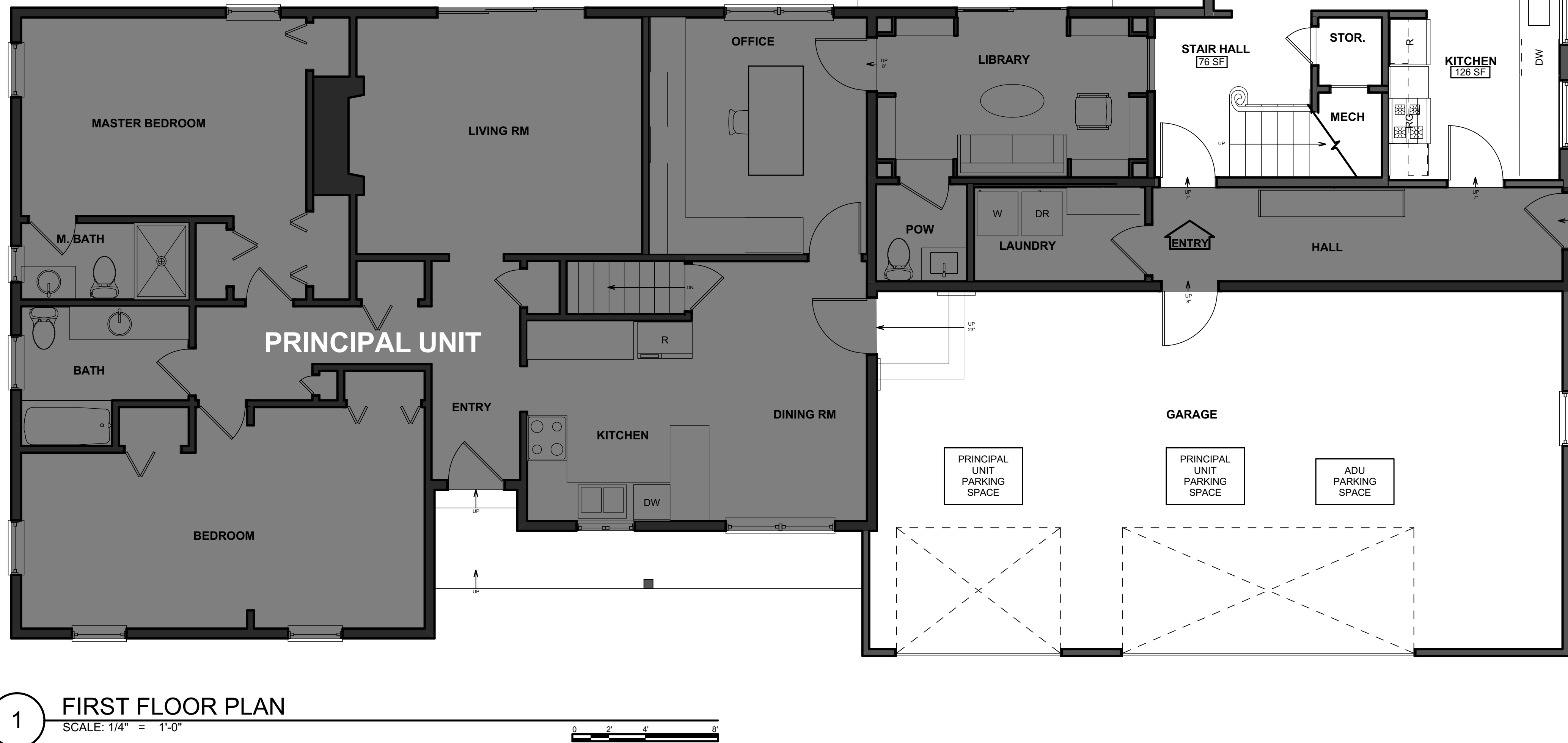


REV	DESCRIPTION	DRN	CKD	DATE
	SPECIAL PERMIT			5/31/23

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DRAWING TITLE	BASEMENT PLAN
PREPARED FOR:	SHARON & PHILIP COOPER
FOR PROPERTY LOCATED AT:	74 KING WILLIAM ROAD LENEX, MA 01240 ASSESSORS' MAP 28, PARCEL 61

DATE DRAWN:	05-31-2023
DRAWN BY:	
APPROVED BY:	AK
SCALE:	1/8" = 1'-0"
PROJECT DESCRIPTION:	ACCESSORY DWELLING UNIT SPECIAL PERMIT FOR SHARON AND PHILIP COOPER 74 KING WILLIAM ROAD LENEX, MA 01240 ASSESSORS' MAP 28 PARCEL 61
DRAWING NUMBER	REV.
A1	



SQUARE FOOTAGE

MAIN HOUSE		
FIRST FLOOR		1,745
BASEMENT		1,383
	TOTAL	3,128
40% OF TOTAL SF		1,251
GARAGE		743
ACCESSORY DWELLING UNIT		
STAIR HALL		76
KITCHEN		126
DINING		65
LIVING ROOM		170
MAIN BEDROOM		270
MAIN BATHROOM		82
	TOTAL	789

[illegible]

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DRAWING TITLE

FIRST & SECOND FLOOR PLANS

PREPARED FOR: SHARON & PHILIP COOPER

FOR PROPERTY LOCATED AT:

74 KING WILLIAM ROAD
LENOX, MA 01240

ASSESSORS' MAP 28, PARCEL 61

DATE DRAWN:	05-31-2023
DRAWN BY:	
APPROVED BY:	AK
SCALE:	1/8" = 1'-0"

ACCESSORY DWELLING UNIT
SPECIAL PERMIT
FOR
SHARON AND PHILIP COOPER
74 KING WILLIAM ROAD
LENOX, MA 01240
ASSESSORS' MAP 28 PARCEL 61

DRAWING NUMBER	REVISION