

**TOWN OF LENOX
ZONING BOARD OF APPEALS
PROCEDURE FOR FILING PETITIONS**

Present your project to the Building Inspector first. If the Building Inspector determines that you must appeal to the ZBA he will advise you as to what section of the Zoning Bylaw applies and if you should file for a Special Permit or a Variance. Take into consideration that an appeal process can take over five weeks from filing date to hearing date. There can be further delays due to the holidays. File early.

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. Hearing expenses include legal advertising, postage, and list of abutters. 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.

WHOMAY FILE: The only persons 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.

GROUND FOR PETITIONS: The Lenox Zoning Bylaw gives the Zoning Board of Appeals 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 20 days of denial.)
2. Special Permits which are required for certain uses in certain districts or for particular exceptions for which 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 seven complete sets of:

- The petition
- Petitioner's plans
- Sketches and any other supporting documents

(Please fold each set to fit in an 8 ½ by 11 inch folder.)

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.

The submission should include an electronic copy to be provided on a compact disc, thumb drive or in an email to the Land Use Assistant.

AT THE HEARING: Petitioners should bring five additional copies of their petition and plans/sketches for use by Board members at the hearing. Site 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 FOR 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 District Registry of Deeds in Pittsfield.

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