

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF LENOX (amended)

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:

X Special Permit pursuant to section 5.2 and 6.2.1 to convert the garage with existing great room to a second dwelling. The lot is non-conforming as to size; and the garage and existing home are non-conforming as to yard setbacks. The change to the garage does not increase the nonconforming nature of the garage structure.

X Permission is sought pursuant to 7.1.8(8)(b) for a second curb cut along an unimproved way known as Eldorado Avenue. The driveway from the home will be on Eldorado Avenue which then intersects with Catherine Street.

For premises:

Owner of Record: James Harwood and Georgianne Valli-Harwood

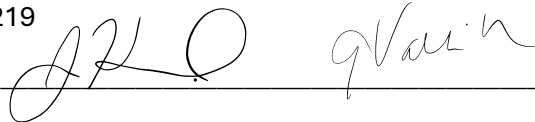
Address: 10 Catherine Street

Map and Parcel: 38-17-0

Zoned: R15

Deed Reference Book 7555, Page 219

Petitioner



(Your signature here also Acknowledges that you agree to pay all hearing expenses relative to this petition.)

Address (Mailing Address) c/o Jeffrey R. Lynch 68 Main Street, Lenox, MA 01240 Telephone Number 413-637-1300

Email address Lynch@LenoxAttorney.com

Town of Lenox
Commonwealth of Massachusetts
Zoning Board of Appeals
Application for a Special Permit

Date of Application: January __, 2024, Time: _____

Applicants: James Harwood and Georgianne Valli-Harwood

Applicants are: Owners

Address: c/o Lynch Scrimo Attorneys, P.O. Box 1787, Lenox, MA 01240

Telephone number: (413) 637-1300

Address of location needing permit if not the same as above:

10 Catherine St. Lenox Dale, MA

Map & parcel & book /page: Map 38, Lot 17; Berkshire Middle District: Book 7555, Page 219

Owner of property: James Harwood and Georgianne Valli-Harwood

Owner's signature: _____
 / 

Current use of property: residential

Nature of special permit: Describe in detail:

A request is made for a Special Permit pursuant to section 5.2 and 6.2.1 of the Town of Lenox Zoning Bylaw to convert an existing garage with great room to a second dwelling. The lot is non-conforming as to size; and the garage and existing home are non-conforming as to yard setbacks. The change to the garage does not increase the nonconforming nature of the garage structure.

The permission of the Zoning Board of Appeals is also sought pursuant to 7.1.8(8)(b) for a second curb cut along an unimproved way known as Eldorado Avenue. The driveway from the home will be on Eldorado Avenue which then intersects with Catherine Street.

Specific Town of Lenox zoning by law for which special permit is sought Section 5.2 and 6.2.1

The existing garage is built with a second story great room. The great room is partially finished with a bathroom and kitchenette. The Petitioner seeks a special permit to classify this space as a second dwelling. The occupants of the new dwelling will access their home from the existing driveway on Catherine Street.

Special Permit Criteria: Section 3.4.2

1. Community needs served by the proposal;

Lenox has studied the need to provide more affordable homes for current and new residents. By allowing this application the Zoning Board will help further the Town's planning goals. The home is already improved with the necessary structures to allow this small and rather innocuous change to the parcel. The Zoning Bylaw makes an allowance for two family homes in the R-15. Accordingly, considerations of density and congestion have already been considered by the Town's people and the collective recognizes this zone as being an appropriate area for this use.

2. Traffic flow and safety; including parking and loading

Adequate parking for two families exists on site. The new proposed driveway will be created by using an existing drive that intersects onto Catherine Street, or simply widening that existing access point. The standard under Section 7.1.8(8)(b) for a second is satisfied. Allowing both residents to have separate drives will minimize what little congestion could result from this change in use. The two access points are well over 100' apart and the site lines are open and clear. The alternative – if the board denies this request - is up to 4 cars maneuvering on and off Catherine Street from a rather steep, existing driveway. Certainly, this can be done, but why? There is no benefit to insist on the existing drive as the sole access. It creates a situation of more congestion, is less safe and will result in the appearance of a parking area. We are sure the Zoning Board of Appeals will agree that it is better to create separate access areas for each resident and further the aesthetic of a single-family homes.

3. Adequacy of utilities and other public services:

Both the garage and the existing residence have town water, sewer and electricity. The allowance of a second dwelling of this modest size will not impact the Town's infrastructure.

4. Neighborhood character and social structures;

The neighborhood is single family and two-family homes. The renovated home is consistent with the size and character of the neighborhood. No new construction is

proposed. Moderate cost housing on small lots is consistent with the existing neighborhood fabric.

5. Impacts on the natural environment; and

There will be no impact on the natural environment. The work is simply interior changes and the conversion of existing grass to a permeable surface to be used as a driveway and parking area. The inventive use of existing structures is consistent with sustainable land-use practices and the Town's Master Plan.

6. Potential economic and fiscal impact to the Town, including impact on town services, tax base and employment.

The potential benefit of providing an affordable home is limitless. What will this new resident bring to the Town, its neighborhood, and the community? We must encourage and make allowance for this potential.

In concrete terms, the Town will increase the value of this home and thus collect more taxes. The Town will assist in the creation of more affordable housing. Maybe a new family who resides in either dwelling will have children in the school system. This proposal is at no cost to the Town.