

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 9.3.2 & 5.3.3-.3.5 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):

Please note there are two structures individually included in this petition. The first is a detached two car garage. The second a greenhouse attached to the existing home.

We ask for a special permit in the form of a side yard set-back reduction for the construction of a detached two-car, two story garage on our property. The garage would be used for vehicle storage and a small home work area. The second floor would be used for an exercise, sewing, office area. The garage would be partially located in both side yard setback areas. There was a previous garage in the general location that was removed by a previous owner. The property is non-conforming due to its width. We ask for a reduction of the side yard set-back to 15 feet as per section 9.3.2 of the Lenox Zoning Bi-law

In the event that the Building Commissioner determines there is not compliance with Section 9.3.2, the Board of Appeals may grant a special permit for the reduction of these requirements.

9.3.2. Lots not Meeting Yard Area Requirement.

In the residential zoning districts, one accessory building or one garage (attached or detached) is allowed, as long as it complies with all current street and lot line setbacks, frontage and setback between building requirements.

We are also asking for a special permit to construct a small green house to be attached to the house. The greenhouse would be located in the side yard setback but not extend beyond an existing portion of the house. The greenhouse dimensions would extend 8' from the houses and 12 feet along the side of the house. The greenhouse would take up space between the driveway and the house. The property is non-conforming due to its width. We ask for a reduction of the side yard set-back to 15 feet as per section 5.3.3 and 5.3.1 of the Lenox Zoning Bi-law

5.3.3. Nonconforming Structures.

The Board of Appeals may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

1. Reconstructed, extended or structurally changed; or
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

5.3.4. Variance Required.

Except as provided in subsection 5.3.5, below with regard to single and two-family residential structures, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance from the Board of Appeals; provided, however, the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a special permit from the Board of Appeals.

5.3.5. Nonconforming Single-Family and Two-Family Residential Structures.

Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure as long as such addition does not increase the gross floor area of the original structure by more than 50 percent:

1. Alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements
2. Alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements.
3. Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

If the Building Commissioner determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood

For premises:

Owner of Record: Lisa Wendell, Kenneth Fishman

Address 213 Main Street, Lenox, MA

Map and Parcel: Map 17, Parcel 26

Zoned as: R-1A

Deed Reference Book 6685 Page 229

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

Petitioner

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

Address (Mailing Address) 213 Main Street, Lenox, MA 01240

Telephone Number 508-397-5931

Email address: fishwend@aol.com

Date: April 18, 2022



OFFICE OF THE LEE-LENOX
BUILDING INSPECTOR

Lee Town Hall 32 Main St Lee MA 01238
PH: 413.243.5518



Date: 3/24/2022

RE: application for permit to build detached private garage at 213 Main ST, Lenox MA.

Owner: Lenox Carandan Real Estate Trust
213 Main St. Lenox, MA 01240

Permit Applicant: Aaron Rocha (CSL-100045)
243 Churchill St. Pittsfield, MA 01201

Mr. Rocha:

You have submitted an application to build a detached private garage on the 213 Main St property in Lenox. The Lenox Assessors' database shows that the 213 Main property is owned by Lenox Carandan Real Estate Trust and is designated as Map17, Parcel 26. This parcel is located within the R-1A Zoning District, according to the Lenox zoning map.

The R-1A Zoning district has minimum setback requirements for construction in that Zoning District. See Lenox Zoning Table 6.1.1 for reference. The side setbacks in the R-1A District are not less than 25'. Your proposed construction of the detached private garage, determined to qualify as an accessory structure, depicts only a 15' side setback from both sides, as the garage is 30' wide and the lot is only 60' wide.

As a duly appointed Zoning Enforcement Officer for the Town of Lenox with the authority to determine compliance with Lenox Zoning Bylaws, this letter serves as your NOTICE OF DENIAL for your application to build a detached garage which fails to meet the minimum setbacks required by Lenox Zoning Bylaws for a parcel within the R-1A Zoning District.

If you or the owners are aggrieved by this denial, you/they have the right to appeal this determination, within 30 days of the date of this letter, as per Lenox Zoning Bylaws Section 3.3.2 #1 and MGL c. 40A, § 8, as amended.

Respectfully,

Don Fitzgerald
Lee-Lenox Building Inspector
dfitzgerald@town.lee.ma.us
413.329.7267 cell



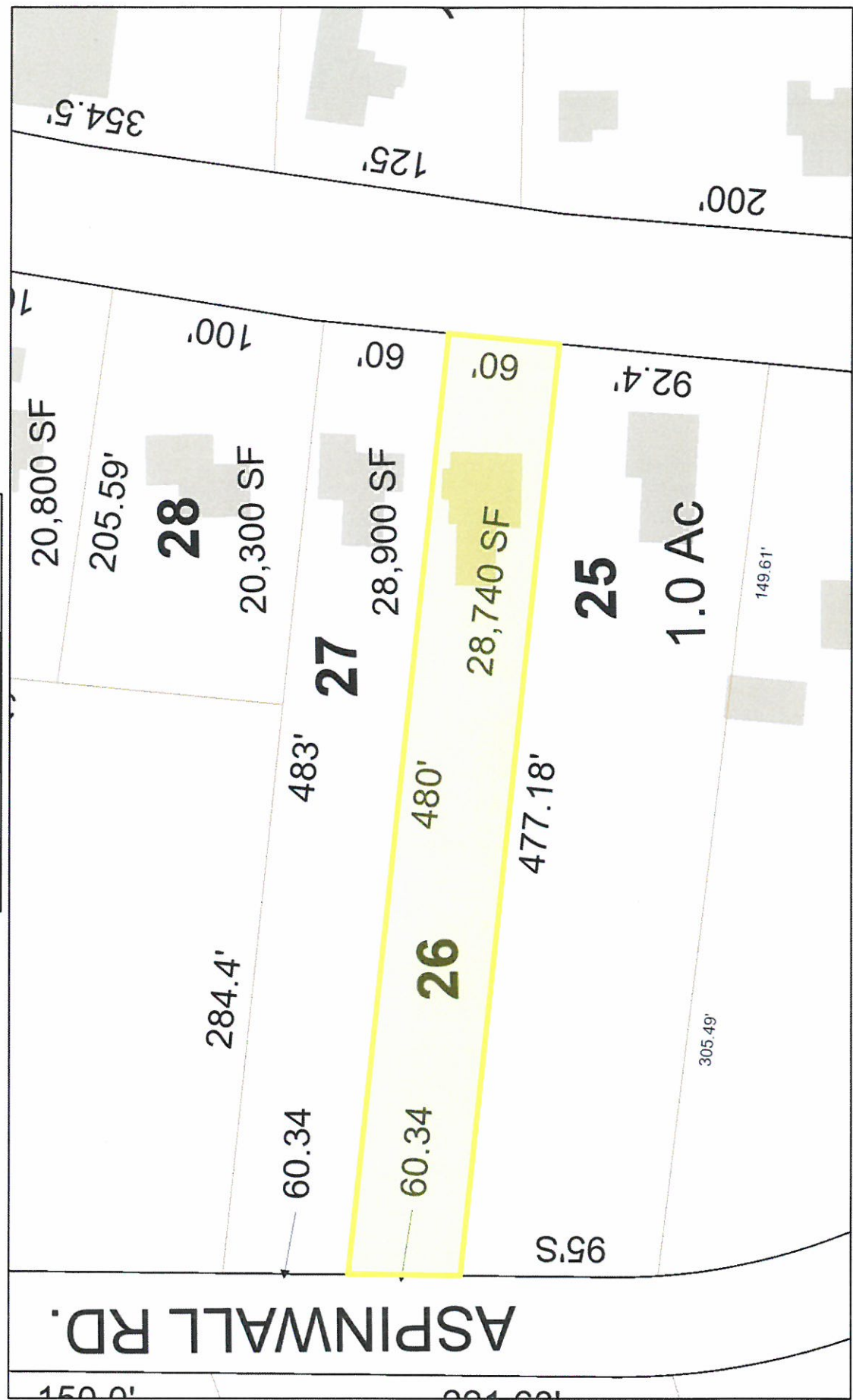
April 18, 2022

Lenox, MA

1 inch = 69 Feet



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



April 16, 2022

Lenox, MA

1 inch = 60 Feet



CAI Technologies

www.cai-tech.com

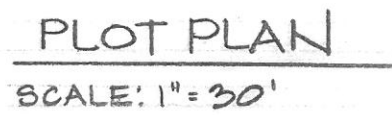
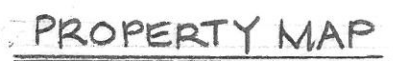


Key: 764

Town of LENOX - Fiscal Year 2022

12/8/2021 3:20 pm SEQ #: 871

CURRENT OWNER				PARCEL ID		LOCATION		CLASS		CLASS%		DESCRIPTION				BN ID	BN	CARD						
L E G A L WENDELL LISA M (TRUSTEE) FISHMAN KENNETH S (TRUSTEE) 5 WOLFFEN LANE SOUTHBOROUGH, MA 01772-1130				17-26-0		213 MAIN ST		1010		100		SINGLE FAMILY				1	1	1 of 1						
								PMT NO		PMT DT		TY		DESC					AMOUNT					
								G20-0009		03/01/2020		24		GAS					10/14/2020		RA		100	
								E-15-0172		09/15/2015		43		Electrical					02/29/2016		RJM		100	
								NP		3		Reno / Alter		09/09/2015		MLS		100						
								R-15-0087		5		Demolitions		02/29/2016		RJM		100						
								8-116		05/08/2008		14		Fences		12/02/2008		RJM		100				
								78,500																



PROVIDE SOLID VERTICAL FRAMING BELOW
ALL GIRDERS, BEAMS AND HEADERS.

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