



Instructions for Variance Application

Town Of East Longmeadow
Planning & Community Development

If the Building Commissioner has denied an applicant a building permit or indicated a variance is required in a Zoning Determination, then said applicant must apply for a variance from the Zoning Board of Appeals. Please contact the Department of Planning and Community Development with any questions while filing a request for Variance.

A Complete Application Must Include the Following Required Documents:

- **Zoning Determination** signed by the Building Commissioner (8 copies)
- Variance Application packet and supporting projective narrative (8 copies)
- **Property Deed and Owner Authorization Letter**, if applicant is not the property owner (1 copy)
- **Certified Abutters List** signed and stamped by the Assessor's Office (1 copy)
 - Stamped envelopes equaling the number of abutters, plus 6 (number varies)
- **Tax Collector Affidavit** signed by the Collector's Office (1 copy)
- Site Plans (1 digital copy and # physical copies of as indicated below)
 - Existing conditions 11x17 (8 copies)
 - Existing conditions 24x36 (1 copy)
 - Proposed conditions 11x17 (8 copies)
 - Proposed conditions 24x26 (1 copy)
- Payment for the \$95 filing fee

To file a request for Variance, Applicant will:

1. Receive a completed, signed Zoning Determination from the Building Commissioner indicating a Variance is needed, or receive denied Building Permit that indicates work is only permissible with a variance relief from the Zoning Board of Appeals.
2. Complete the Variance application packet and compile all required attachments.
Note: *Some fields in the application may not be applicable to some applicants. Please include a brief "project narrative" to explain your request for Variance.*
 - a. If the applicant is not the property owner, obtain a notarized Letter of Authorization from the property owner indicating they allow you to file this request for Variance. Accompany this letter with a copy of the property deed (obtained online from the Hampden County Registry of Deeds)
 - b. Complete the Request for Certified Abutters List and file it with the Assessor's Office. Allow 10 business days for the Assessor's Office to email you a mailing list of all properties within 300 ft. of the subject parcel. Bring stamped envelopes, equaling the total number of abutters plus six (6)
 - c. File the Tax Collector Affidavit with the Collector's Office. The Collector's Office will indicate whether there are any unpaid bills or taxes that would prohibit the issuing of a permit.
3. Submit the appropriate number of copies of each required document and a check payable to the Town of East Longmeadow in the amount of \$95 to the Planning Department.
Note: *filing fees are non-refundable; payment for filings fees will not be accepted until the Planning Department has received completed application materials.*
4. The Planning Department will review your application for completeness and schedule you to the next available meeting of the Zoning Board of Appeals.
Note: *attendance is required at public hearings.*

Before the public hearing:

1. The Planning Department will send legal notice of the public hearing, to be advertised twice in The Reminder newspaper in accordance with M.G.L Chapter 40A §11.
Note: *This notice is at the expense of the applicant. The Reminder will mail an invoice directly to the applicant's address provided on the application.*
2. The Planning Department will mail notice of the public hearing to the mailing list generated by the Certified Abutters List using the stamped envelopes provided by the applicant.

During the public hearing:

1. The Zoning Board of Appeals will ask the applicant to provide information on their request for Variance.
2. Members of the public will be allowed to speak in opposition or support of the applicant's request for Variance.
3. The Zoning Board of Appeals will vote to approve or deny the request for Variance.
Note: *requests for Variance may be continued over multiple public hearings of the Zoning Board of Appeals.*

After the public hearing:

1. The Planning Department staff will create a formal written decision based on the approval/denial issued by the Zoning Board of Appeals, which will be filed with the Clerk's Office.
2. In accordance with M.G.L. Chapter 40A §15, there will be a twenty (20) day appeal period in which any person aggrieved with the Zoning Board of Appeals' decision may file an appeal.
3. Following the twenty (20) day appeal period, barring any appeals, the Clerk's Office will mail the applicant a copy of the Certified Decision. The Certified Decision must be recorded at the Hampden County Registry of Deeds.
Note: *failure to record the Certified Decision at the Hampden County Registry of Deeds within six (6) months of the decision date will render an approval null and void.*
4. Once recorded, call or email the Planning Department with the Book & Page number.
5. If approved, bring a copy of the recorded decision to the Building Department in order to proceed with obtaining a building permit.



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OFFICE ONLY	
Case:	

1) APPLICATION INFORMATION

a. Project Name			
b. Property Address		c. Zoning District	
d. Assessor's Map		e. Lot(s)	
f. Registry of Deeds Book		g. Page	
h. Applicant Name		i. Applicant Phone	
j. Applicant Email			
k. Mailing Address			
l. Applicant Relationship to Property ¹		<input type="checkbox"/> Owner <input type="checkbox"/> Agent <input type="checkbox"/> Other:	
m. Owner Name		n. Owner Phone	
o. Owner Email			
p. Mailing Address			

2) VARIANCE REQUEST INFORMATION

List/describe specific zoning requirements, and corresponding existing and proposed conditions that are relevant to your variance request

Description/Item	Existing	Proposed	Required/Allowed
a.			
b.			
c.			
d.			
e.			
f.			
g.			

3) COMMERCIAL USE INFORMATION *Complete if there is an existing or proposed commercial use

	Existing	Proposed
a. Number of customers per day		
b. Number of employees		
c. Hours of operation		
d. Days of operation		
e. Hours of deliveries		
f. Frequency of Deliveries	<input type="checkbox"/> Daily <input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Other:	<input type="checkbox"/> Daily <input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Other:

4) REQUIRED FINDINGS FOR GRANTING A VARIANCE

*Massachusetts General Law Chapter 40A Section 10 requires the Zoning Board of Appeals to make **ALL** the following findings before a variance can be granted, **you** must make your case as to **why** your application meets **each** of these four points. Please use additional sheets when needed.*

a. Describe any circumstances relating to soil conditions, shape or topography which especially affect the land or structure in question but that doesn't generally affect the zoning district in which your premises is located:

b. Describe how circumstances unique to your land or structure would mean a substantial hardship to you if the Town were to literally enforce the zoning ordinance:

c. Describe how granting you relief would not take away from the intent/purpose of the Town's zoning ordinance:

d. Describe why nobody else would be hurt if the Town granted your requested zoning relief:

1 if applicant is not property owner, attach [Owner Authorization Letter](#) and any agreements between owner & applicant

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give Planning Department staff and Zoning Board of Appeals Members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

Signature of Applicant		Date	
Signature of Owner		Date	