



## *Town of East Longmeadow*

# ZBA VARIANCE APPLICATION INSTRUCTIONS

### **GETTING STARTED...**

Anyone who has been denied a building permit can apply for a **Variance**. A building permit application that has been rejected *and* signed by an inspector of buildings as having been denied is needed to begin the Zoning Board of Appeals [ZBA] application process.

Before filling out the application, be certain you know which application you should file. Filing the wrong or incomplete application could result in you spending time and money unnecessarily, but it could also lead to an unnecessary denial of your petition by the ZBA.

When you're ready to get started, make sure you read everything here, follow all the steps listed and work closely with the Planning & Community Development office to make sure everything is complete before you submit your application. **The burden for preparing and submitting a complete ZBA application is with you.**

### **APPLICATION INSTRUCTIONS**

**The Application, overall.** All applications must be filled out completely and must be submitted with the material noted here including required drawings, a certified abutters list, a plot plan, the rejected building permit materials, fees and any other required attachments. Incomplete or improperly filed applications will be returned to the applicant for resubmission. Your application must include several required attachments as noted in this packet including, but not limited to, a Documentation of Deeds, Certificate of Title and Recorded Plans, etc.

**Required drawings.** All appeals, petitions, and application must be accompanied by the following accurately scaled drawings.

- A site plan at a scale not smaller than one (1) inch equals forty feet showing the outline of any proposed alterations, additions, or demolitions, new structures, fences, parking spaces, and landscaping, AND
- If you're planning to renovate, add to, or change the use of a building space, you must also provide floor plans at a scale no smaller than one (1) inch equals eight feet.

Although professionally drawn plans are not required, they are encouraged. Scaled drawings are a critical part of all applications and it is important you provide a clear, complete and accurate depiction of what you are proposing.

**Certified abutters list.** A certified abutters list must also accompany your ZBA application. Once you complete the certified abutters list, turn it in to the Assessor's office. Staff will compile the list of abutters for you and it will be certified for a fee of \$25. Once this list is certified, the Assessor's office will call you and it will be your responsibility to pick it up and include it as part of your completed ZBA application.

**Plot plan.** As part of your completed ZBA application you are required to submit a plot plan that clearly identifies the lot where the requested zoning relief is sought. Plot plan maps—also known as "Assessor's maps" may be obtained at the Assessor's office or on the Assessor's page of the Town website: [www.eastlongmeadowma.gov](http://www.eastlongmeadowma.gov).

**Building permit rejection materials.** Your entire reason for applying to the ZBA begins with the rejection you received from the Town's Building Commissioner (building permit denial). You must include all of the materials that this office provides to you as part of your application as it is the foundation upon which you are building your request.

**Fee.** Your application must be accompanied by the appropriate filing fee; if the fee is not properly included; the application is considered incomplete and will not be accepted.

**Other attachments.** Depending on the kind of relief you are looking for, you may need to submit additional materials including, but not limited to:

- Any materials that will help the ZBA clearly understand your request.

## SUBMITTING YOUR APPLICATION

1. Your building permit is denied/rejected. As a potential applicant you must bring this material to the Planning & Community Development office at Town Hall and you will be provided with this application packet.
2. Once you complete the application and all of the attachments required, you must bring one (1) original and fourteen (14) copies of the completed application packet back to Town Hall with the required filing fee. Your first stop with this material is the Planning & Community Development office where the material will be reviewed for completeness. If something is missing, you'll be told what needs correction and directed to return once you are prepared to have it reviewed for completeness once more.
3. If your application packet is complete and you have your filing fee ready, Planning & Community Development staff will advise you to formally submit the application packet at the Town Clerk's office (also in Town Hall).

## WHEN WILL THE BOARD REVIEW MY APPLICATION?

The Zoning Board of Appeals will hear all applications, petitions or appeals within sixty-five days of the application filing date. If the petition is granted, the applicants will be relieved of the restriction(s) which caused refusal of the permit. Planning & Community Development staff will advise you of the date, time and location of your meeting based on your application submission date.

**IMPORTANT!** Although it is not a requirement for submission you may wish to contact an attorney to help with your application and public hearing. The petitioner or their legal representative **must attend** the public hearing.

## WHAT HAPPENS AFTER THE ZBA DECIDES MY PETITION?

The ZBA has fourteen (14) days to file the written decision with the Town Clerk's Office.

**If your application (petition) is granted**, and after the official decision is recorded with the Town Clerk, there is a twenty (20) day waiting period after which time you will receive a letter from the Town Clerk telling you the appeal period is over. (*The 20 day appeal period begins from the date of the decision's filing w/ Town Clerk, not the date of the decision.*) The letter will advise you that the decision must be recorded at the Registry of Deeds. A building permit may then be issued by the Building Department provided you act upon it within one year.

**If your petition is denied**, after the official decision is recorded with the Town Clerk, there is a twenty (20) day period you may appeal to a Massachusetts Court of competent jurisdiction. (*The 20 day appeal period begins from the date of the decision's filing with the Town Clerk, not the date of the decision.*) The procedures for appeal are set forth in Massachusetts General Laws Chapter 40A Section 17.

## Why do I have to pay a filing fee?

Everyone that submits an application to the ZBA is required to submit a non-refundable filing fee, payable by check to the Town of East Longmeadow. The fee covers the administrative cost of processing the decision.

The current amount of the Town of East Longmeadow's ZBA filing fee for a Variance application is \$95.

## **WHAT IF I NEED TO REQUEST A POSTPONMENT?**

All requests for postponement will be considered on the scheduled hearing date. The petitioner must appear before the Board. If that is not possible an appointed representative of the petitioner must appear with a signed letter of authorization to act on their behalf. The appointed representative must be authorized to sign an extension of time limits of approximately 30-90 days. If the Board grants the postponement, an agreed upon hearing date will be set and announced at that time, to accommodate the petitioner and the abutters. The Board will not re-advertise or re-notify abutters of the newly scheduled hearing. The Notice of Hearing will be posted at the Town Clerk's Office at City Hall for informational purposes.

## **CAN I WITHDRAW MY APPLICATION?**

You may withdraw your application without prejudice prior to the publication of the notice of a public hearing.

If the public hearing notice has been published, the ZBA must approve your request to withdraw without prejudice at the scheduled hearing date.

Filing fees are not refundable.



*Town of East Longmeadow*  
**ZBA VARIANCE APPLICATION**

**CASE #**

## 1. SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 14 Copies):

Have you included...			Planning staff review finds...	
Yes	No		Yes	No
<input type="checkbox"/>	<input type="checkbox"/>	A <u>Completed and Signed Application</u>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	An <u>Existing Conditions Site Plan</u> , drawn to a scale not less than 1 inch: 40 feet, identifying positioning of existing structures must be provided. Your site plan must show footprint and dimensions of rear, front and side distances between structure(s) and boundary lines. ([6] full size and [9] 11" x 17" copies)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	A <u>Proposed Site Plan</u> showing all proposed alterations or additions with side, front and rear set property lines identified. ([6] full size and [9] 11" x 17" copies)	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Stamped envelopes</u> equal to TWICE the number of addresses on the Certified Abutter's List <b>plus 12</b> (6 x 2) additional for abutting towns.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	A <u>Certified Abutter's List</u> prepared and certified by the Assessor's Office.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Plot Plan</u> as provided through the Assessor's Office (in person or online through parcel lookup).	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Filing Fee</u> in check form made payable to the Town of East Longmeadow.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Copy of <u>Building Permit Rejection Packet</u> ( <i>Containing Zoning Determination and/or Rejected Building Permit and all information submitted with Building Permit Application</i> )	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Owner's Verification</u> including owner's signature and parcel deed for all involved parcels.	<input type="checkbox"/>	<input type="checkbox"/>

### Official Use Only:

Review of submittal compliance performed by \_\_\_\_\_ .

Staff review found the application packet to be  complete  incomplete on this date: \_\_\_\_\_.

**This is page 1 of your ZBA Application BUT YOU DO NOT NEED 14 COPIES OF IT; just the original is enough.**  
*Please remove the instruction pages when submitting your completed application packet but keep this as your first page.*

## 2. VARIANCE SPECIFICS

The undersigned petitions the East Longmeadow Zoning Board of Appeals [ZBA] to grant a VARIANCE in the manner and for the reasons set forth here under the provisions of the Town's zoning ordinance to the following described premises:

### APPLICATION SUMMARY (PLEASE PRINT)

SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#		LOT(S)#	
REGISTRY OF DEEDS BOOK:		PAGE #	
PROPERTY ADDRESS:			
ZONING DISTRICT:			
OWNER INFORMATION			
NAME:			
MAILING ADDRESS:			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: <i>Check one:</i>	OWNER <input type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER <i>Describe</i> <input type="checkbox"/> _____
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #			
EMAIL ADDRESS:			

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 & Community Development staff and ZBA 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/s

\_\_\_\_\_  
Date

### If the applicant differs from the owner, this section must be completed/signed by the property owner/s:

I hereby authorize the applicant represented above and throughout this application to apply and to represent my/our interests on my/our behalf for the relief requested herein for the premises I/we own noted as "property address" above and presented throughout this application. Furthermore, by signing this application I/we acknowledge having read and understood this application and the accompanying instructions and information. If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the variance must be recorded and acted upon within one year.

\_\_\_\_\_  
Signature of Owner/s

\_\_\_\_\_  
Date

**APPLICATION SPECIFICS**

DIMENSIONS OF LOT/S:		FRONTAGE	DEPTH	AREA in SQ FT		
EXISTING BUILDING/S		# OF BLDGS	EXISTING SIZE	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS	TOTAL SQ. FT ENTIRE STRUCTURE
		# OF DWELLING UNITS		# OF BEDROOMS		
PROPOSED BUILDING/S		# OF BLDGS	PROPOSED SIZE	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS	TOTAL SQ. FT ENTIRE STRUCTURE
		# OF DWELLING UNITS		# OF BEDROOMS		EXTENT OF PROPOSED ALTERATIONS
EXISTING USE OF PREMISES:						
PROPOSED USE OF PREMISES:						
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:		<hr/> <hr/> <hr/> <hr/>				

*If there is a commercial use existing and/or proposed, please complete the following:*

	EXISTING		PROPOSED	
NUMBER OF CUSTOMERS PER DAY				
NUMBER OF EMPLOYEES				
HOURS OF OPERATION				
DAYS OF OPERATION				
HOURS OF DELIVERIES				
FREQUENCY OF DELIVERIES <i>(Check frequency)</i>	<input type="checkbox"/> DAILY	<input type="checkbox"/> WEEKLY	<input type="checkbox"/> DAILY	<input type="checkbox"/> WEEKLY
	<input type="checkbox"/> MONTHLY	<input type="checkbox"/> OTHER	<input type="checkbox"/> MONTHLY	<input type="checkbox"/> OTHER

*If you are also requesting site plan review and special permit/s from the Planning Board, please specify here:*

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Complete each item that is relevant to your variance request:

	Existing	Allowed/ Required	Proposed
Lot Area (sq ft)			
Lot Width (ft)			
Number of Dwelling Units			
Total Gross Floor Area (sq ft)			
Residential Gross Floor Area (sq ft)			
Non-Residential Gross Floor Area (sq ft)			
Building Height (ft)			
Front Setback (ft)			
Side Setback (ft)			
Side Setback (ft)			
Rear Setback (ft)			
Lot Coverage by Buildings (% of Lot Area)			
Permeable Open Space (% of Lot Area)			
Green Space (% of Lot Area)			
Off-Street Parking Spaces			
Loading Bays			
Number of Ground Signs			
Height of Ground Sign			
Proximity of Ground Sign to Property Line			
Area of Wall Sign (sq ft)			
Number of Wall Signs			

### 3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property \_\_\_\_\_

*(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)*

Is the applicant also the owner?  Yes  No

If no, please attach the following three items to your application and indicate they are attached:

A notarized authorization letter on letterhead from the owner to tenant/buyer for application of this permit.

If the Applicant is Not the Owner, Provide:

A copy of the Purchase & Sale Agreement or lease, where applicable.

A copy of the deed or deeds of abutting parcels if said parcels have been held in common ownership with the subject property at any time.

# 4. REQUIRED FINDINGS FOR GRANTING A VARIANCE

Massachusetts General Law Chapter 40A Section 10 requires the “permit granting authority” (which, in this instance is the Zoning Board of Appeals) to make ALL the following findings before a variance can be granted:

**A**

That there are circumstances relating to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located.

**B**

That due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the Zoning Ordinance or By Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant.

**C**

That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw.

**D**

That desirable relief may be granted without substantial detriment to the public good.

The full text of M.G.L. Chapter 40A, Section 10 can be viewed at: <http://www.mass.gov/legis/laws/mgl/>

Because the ZBA must be able to articulate each of these four findings in order to grant a variance, you must make your case as to WHY your application meets each of these four points. ***This is an extremely important question and it is recommended that you answer this VERY carefully.*** You may use an additional sheet if 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:

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**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:

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**C** Describe how granting you relief would not take away from the purpose of the Town's zoning ordinance:

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

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*Town of East Longmeadow*  
**DEPARTMENT SIGN OFF SHEET**

DEPARTMENT	COPIES	SIGNATURE	DATE
ZBA BOARD MEMBERS	6		
PLANNING & COMMUNITY DEVELOPMENT	2		
TOWN CLERK	Original		
POLICE DEPARTMENT	1		
BUILDING DEPARTMENT	1		
DEPT OF PUBLIC WORKS	1		
CONSERVATION COMMISSION	1		
FIRE DEPARTMENT	1		
TOWN MANAGER	1		
<b>TOTAL COPIES</b>	<b>15</b>		