



# ZBA ADMINISTRATIVE APPEAL APPLICATION INSTRUCTIONS

## GETTING STARTED...

Anyone who has been denied a building permit can apply for a **Variance, Administrative Appeal, or Finding**. 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 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, stamped envelopes, 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 are planning to renovate or add to 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. The Assessor's office will assist you in completing the certified abutters list. 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, as well as pre-stamped envelopes for mailing of notices to the abutters.

**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” are obtained from the Assessor's office or by going online to the Town's parcel look up feature: <http://maps.eastlongmeadowma.gov/search/>.

**Building permit rejection materials.** Your entire reason for applying to the ZBA begins with the rejection or violation notice you received from the Town's Building Commissioner. You must include all of the materials that the Building Commissioner 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 application/petition, you may need to submit additional materials including, but not limited to:

- \*Deed of ownership
- \*Photographs of the Site
- \*Letter of authorization from the owner, if you are not the owner
- \*Any materials that will help the ZBA clearly understand your request

## SUBMITTING YOUR APPLICATION

1. Your building permit is denied/rejected, or you received a violation notice. As a potential applicant you must bring this material to the planning office at Town Hall and will be provided with this application packet.
2. Once you complete the application and all of the attachments required, you must bring 12 packets – one (1) original and eleven (11) copies) of the completed application and attachments in the order listed on the checklist—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 staff will advise you to formally submit the application packet at the Town Clerk's office.

## 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 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**, 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 Building Department telling you how to proceed and obtain the building permit. *(The 20 day appeal period begins from the date of the decision's filing with the Town Clerk, not the date of the decision or date of hearing.)* 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 and you must act upon it within one year.

**The fee for filing an administrative appeal is \$100, payable by check only to the Town of East Longmeadow. The Town does not accept cash, debit or credit means of payment at this time.**

**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 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.

### **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 Town 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.

However, if the public hearing notice has been published, the ZBA must approve your request to withdraw without prejudice at the scheduled hearing date. The filing fee is not refundable.



**ZBA ADMIN. APPEAL APPLICATION**

**1. SUBMITTAL CHECKLIST**

The following documentation must be submitted, in duplicate (1 Original and 11 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.	<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.	<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 along with postage paid envelopes for their mailing.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Plot Plan</u> as provided through Building Department or 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"/>	Documentation of the <u>Decision</u> that aggrieves the applicant and is being appealed	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Owner's Verification</u> including owner's signature and recorded deed for all involved parcels.	<input type="checkbox"/>	<input type="checkbox"/>
		A notarized letter of authorization is also required if owner is not applicant.		

**Official Use Only:**

Review of submittal compliance performed by \_\_\_\_\_ of the Town's Planning Department staff.  
 Staff review found the application packet to be  complete  incomplete on this date: \_\_\_\_\_.

*Please remove the instruction pages when submitting your completed application packet but keep this as your first page.*

**This is page 1 of your ZBA Application.**

## 2. ADMINISTRATIVE APPEAL SPECIFICS

The undersigned petitions the East Longmeadow Zoning Board of Appeals [ZBA] for an ADMINISTRATIVE APPEAL 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 Department 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 administrative appeal 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 ADMINISTRATIVE APPEAL: (use separate sheet if necessary)	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>				

*If there's 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 (Check frequency)	<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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### 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 petition for the administrative appeal.

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.

# 4. REQUIRED INFORMATION FOR ADMINISTRATIVE APPEAL

Under Massachusetts General Law Chapter 40A Section 7, 8, and 15 anyone who has been denied a building permit or received enforcement action from any administrative officer may apply for an administrative appeal.

In order for the Board to make a determination the following must be included:

**A** Documentation of the decision being appealed

**B** Narrative explaining your case for the decision being overturned

The full text of M.G.L. Chapter 40A, Sections 7, 8, and 15 can be viewed at: <http://www.mass.gov/legis/laws/mgl/>

Because the ZBA must be able to articulate their findings on your appeal, you must describe your case and reasoning for the decision to be overturned. ***This is an extremely important part of your application and it is recommended that you answer this VERY carefully.*** You may use an additional sheet if needed.

**A** Describe the decision being appealed (attach documentation of the decision being appealed):

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**B** Explain the reasons for the decision to be overturned:

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*Town of East Longmeadow*

**DEPARTMENT SIGN OFF SHEET**

DEPARTMENT	COPIES	SIGNATURE	DATE
ZBA BOARD MEMBERS (Planning Dept.)	5		
TOWN PLANNING (Planning Dept.)	1		
TOWN CLERK	1 (Original)		
CONSERVATION COMMISSION (Planning Dept.)	1		
BUILDING DEPARTMENT	1		
BOARD OF HEALTH	1		
ASSESSOR	1		
POLICE DEPARTMENT	1		
FIRE DEPARTMENT	1		
<b>TOTAL COPIES</b>	<b>13</b>		

**This sheet is NOT part of your ZBA application but you will need to deliver your applications to the appropriate departments once you have been given the go-ahead by planning staff and have the respective departments sign/date this sheet for you. Once this sheet is completed you will need to turn this into the Town’s Planning Department at Town Hall.**



*Town of East Longmeadow*  
**REQUEST for a CERTIFIED ABUTTERS LIST**

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office.

SUBJECT PROPERTY	
MAP #	LOT(S)#
ADDRESS:	
OWNER INFORMATION	
NAME:	
MAILING ADDRESS:	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT):	
MAILING ADDRESS (IF DIFFERENT):	
TELEPHONE #	
EMAIL ADDRESS:	
REASON FOR THIS REQUEST: <i>Check appropriate</i>	
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION (300 feet)
<input type="checkbox"/>	PLANNING BOARD APPLICATION (300 feet)
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION (100 feet)
<input type="checkbox"/>	LICENSING BOARD APPLICATION
<input type="checkbox"/>	OTHER ( <i>Please explain</i> ):

**Once obtained, the Certified List of Abutters must be attached to this Certification Letter.**

**This sheet is NOT part of your ZBA application but you will need to submit this form to the Planning & Community Development Department along with stamped envelopes for the abutter mailing. You, as applicant, are responsible for picking up and paying for the certified abutters list from the Assessor's office.**

**Official Use Only:**

I do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **ADMINISTRATIVE APPEAL FILING FEE: \$100**

*Payable by check only to: Town of East Longmeadow*

Under MGL CHAPTER 40 the ZBA is mandated by law to advertise your request for an appeal two times prior to the scheduled hearing date. The application fee does NOT cover the costs of advertising in the newspaper and you will be invoiced separately by the Reminder or Springfield Union News for these advertisements.

Upon consideration of any and all requests (meaning, if your application is withdrawn, extended, there's been a change in plans/reviews, etc.) you will still be required to pay the filing fee if abutters have been notified or if any portion of advertising has occurred.