

**Application to the  
Zoning Board of Appeals**

**INSTRUCTIONS**

You may download this form and fill it in on your computer. Fill out all applicable information. Save and print the form, and sign it where required. When you are ready with your form and all supporting plans and materials, call the Town Planner to set up a time to file the application. You will need to submit the original and 14 full copies of the entire package. It may not be submitted electronically, but submissions made by mail are acceptable. Incomplete applications and those not accompanied by the required fee or copies may be rejected. The Town Planner can be reached at (413) 528-1619. (Note, for Comprehensive Permit applications, please call the Town Planner.)

**FOR OFFICE USE ONLY**

Number Assigned: \_\_\_\_\_  
 Filing Date: \_\_\_\_\_  
 Received and checked for completeness  
 by: \_\_\_\_\_  
 Date filed with the Town Clerk \_\_\_\_\_  
**FOR ZBA USE:**  
 Advertising dates: \_\_\_\_\_ & \_\_\_\_\_  
 Public hearing date: \_\_\_\_\_

*TIMELINE: The Zoning Board of Appeals (ZBA) will set a public hearing date that is at least 45 days but no more than 65 days from the date of your filing. The hearing date will be posted at Town Hall and in accordance with the Open Meetings Law, and notice of the hearing will be sent to the Applicant and/or Applicant's agent and abutting property owners by mail, and advertised for two consecutive weeks in the local newspaper.*

**A. WHAT ARE YOU SEEKING?**

Check all that apply. If you are unsure, please consult with your attorney, or the Town Planner or Building Inspector.

- VARIANCE (exempts a property from some Zoning requirements)  
*You must complete portions A., B., C., D., G., H, I., and J. of this form.*
- SPECIAL PERMIT (for changes to nonconforming uses, structures)  
*You must complete portions A., B., C., E., G., H, I., and J. of this form.*
- APPEAL (to overturn a decision of Building Inspector or a Board)  
*You must complete portions A., B., C., F., G., H, I., and J. of this form.*
- 40 B Comprehensive Permit (call ahead)

**B. SITE / PROPERTY INFORMATION**

Address of Subject Property \_\_\_\_\_  
 \_\_\_\_\_  
 Assessor's Map: \_\_\_\_\_ Lot: \_\_\_\_\_  
 Registry of Deeds Book: \_\_\_\_\_ Page: \_\_\_\_\_  
 Zoning District (s): \_\_\_\_\_  
 Overlay District(s), if any: \_\_\_\_\_

**C. APPLICANT AND OWNER INFORMATION**

Applicant's  
Information

Name (please print) \_\_\_\_\_ Phone (area code first) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_  
 If Applicant is a corporation, provide name of contact person: \_\_\_\_\_  
 Email Address \_\_\_\_\_ Signature \_\_\_\_\_

- Check here if Applicant and Property Owner are the same, and skip to the next section.
- Check here if Applicant is different than the Property Owner, and to verify that you have the Property Owner's permission to file this Application. Note that the Property Owner must sign below to indicate permission to file this Application.

Enter Property Owner's information EXACTLY as it appears on the most recent tax bill.

Property  
Owner's  
Information

Name (please print) \_\_\_\_\_ Phone (area code first) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_  
 Email Address \_\_\_\_\_ Signature \_\_\_\_\_

**D. VARIANCES** If you are requesting a variance, please answer all of the following. Attach additional sheets if necessary.

1) From which Section(s) of the Zoning Bylaw do you request a variance?

2) What will the requested variance(s) enable you to do?

3) If the variance(s) is not granted, what hardship will that cause you?

4) What special circumstances relating to soil condition, shape or topography of land or structures, affect your property but not other properties in the same zone?

5) Explain why your special circumstances are not a result of your own actions.

6) If the variance(s) is not granted, what rights will you be deprived of that other properties in the same zone enjoy?

7) Explain why a variance will not give you any special privileges that other properties in the same zoning district don't have.

**E. SPECIAL PERMITS** If you are requesting a special permit, please answer all of the following. Attach additional sheets if necessary.

1) A special permit is being requested in order to (please describe project):

2) This application is made under the following Sections of the Zoning Bylaw (check all that apply)

<input type="checkbox"/> Section 5.2	<input type="checkbox"/> Section 5.3	<input type="checkbox"/> Section 5.5
<input type="checkbox"/> Section 5.6	<input type="checkbox"/> Section 5.7	<input checked="" type="checkbox"/> Section 10.4

3) Reason(s) that this property is not in conformance with the Zoning Bylaw

4) Are there any previous Special Permits or Variances for this property?

No  Yes  
 If yes, provide date(s), and name of issuing Board \_\_\_\_\_

**F. APPEALS** If you are seeking an appeal, please answer all of the following. Attach additional sheets if necessary.

1) This application is to appeal the decision of

Building Inspector  Planning Board  Selectboard

2) Date of decision

3) Nature of the decision

4) Applicable Section(s) of the Zoning Bylaw

5) Describe your interpretation of the nature of the decision and the remedy you seek. Attach additional sheets if needed.

## G. REQUIREMENTS FOR ALL APPLICATIONS

By checking the items below, applicant acknowledges that each application is accompanied by each of the items listed below.

- Plot Plan of the entire property or tract. The Board may require the plan to be signed by a licensed surveyor or engineer, particularly if the matter involves dimensional issues. The plan should include those items listed in Section 10.5.3 of the Zoning Bylaw, including two locus maps--one USGS survey map and one current zoning map-- illustrating property location.
- A current list of all abutters within 300 feet of the property, including address of owner, map and lot number. The list must be obtained from the Assessor's office and certified by the Assessor's office. Call 413-528-1619.
- At least one copy of the application and plans / specifications shall be no larger than 11 x 17 inches.

## H. APPLICATION FEE

*Application fee is \$300.*

- Check here to confirm that your check in the appropriate amount is enclosed. Make checks payable to Town of Great Barrington.

## I. TECHNICAL REVIEW FEES

- The Zoning Board of Appeals may hire independent consultants whose services shall be paid for by the applicant(s) under the terms of the Rules and Regulations of the Zoning Board of Appeals, and in accordance with Chapter 44, Section 53G of the Massachusetts General Laws. Check here to acknowledge and be bound by these regulations. Failure to acknowledge shall cause this application to be rejected as incomplete. \*\* *Please also sign here:* \_\_\_\_\_

## J. ADDITIONAL INFORMATION

Recommending Boards: All applications to the Zoning Board of Appeals are referred to the Planning Board, Conservation Commission, Board of Health, and Board of Selectmen for comments and recommendations. Applicants should be prepared to attend those meetings in order to brief those boards of their project and answer any questions.

Site Visits: The ZBA and recommending Boards may contact the Applicant to request a site visit. Applicants agree to facilitate access to the site at a mutually convenient date and time.

Timeline/ Procedures: The ZBA conducts its business in accordance with Massachusetts General Laws. Accordingly, the ZBA will hold its Public Hearing not later than 65 days after the filing of the application. A decision for a variance or appeal will be rendered not later than 100 days from the filing date. A decision for a special permit will be made not later than 90 days after the close of the Public Hearing. The decision will be filed with the Town Clerk within 20 days of the date of the decision. The appeal period lasts for 20 days after the filing with the Town Clerk. On the 21st day, if no appeals are filed, or once all appeals are resolved, the applicant shall have the decision certified by the Town Clerk. The Applicant is responsible for then filing the decision with the Registry of Deeds, at which time the decision becomes effective.

Guidance and Counsel: In preparing this application and when presenting the case to the ZBA, applicants are advised to be fully familiar with, or seek counsel from a qualified person who is familiar with, the Zoning Bylaw and other rules, regulations, and laws as may be appropriate. If you wish to discuss the completeness of this application, or have any questions about this application, please contact the Town Planner at 413-528-1619. However, we will not discuss the merits or strategy of your case.

**Applicant's Signature: "I have read and I understand all of the information on this application. I have also read and understand the pages entitled "IMPORTANT GUIDANCE AND INFORMATION FOR APPLICANTS."**

\_\_\_\_\_ (signed) \_\_\_\_\_ (date)