

Attachment 1

Town of Shelburne: Zoning Board of Appeals

Application for: Special Permit Variance and/or other relief

The Shelburne Zoning Bylaw allows certain uses by right and others by special permit. A variance is required if the applicant wishes to appeal a Zoning Bylaw regulation. If the intended use requires a special permit, variance, or both, you must file this form. The Board strongly recommends that every appeal from a ruling of the Zoning Enforcement Officer, and every application for a variance or special permit, be supported by a legibly written memorandum setting forth in detail all facts relied upon.

Please type or print all information and return the form to the Town Clerk with an \$85 filing fee by check or money order payable to the Town of Shelburne.

1. Name of applicant: _____ Phone # _____

Mailing address: _____

Town _____ State _____ Zip _____

Status of applicant: Owner ___ Purchaser ___ Lessee ___ Other (please explain): ___

2. Property Owner (if different from Applicant):

Name _____ Phone # _____

Mailing Address: _____

3. Parcel ID: **Map** _____ **Street** _____ **Lot#** _____

This information is available on tax bill or from tax collector.

Book _____ **Page** _____

This information is available on property deed.

Street Number: _____ **Street Name:** _____

This information is your designated 9-1-1 street address.

4. Lot description: Size/area _____ Frontage _____

Setbacks: Front _____ Rear _____ Left side _____ Right side _____

5. Existing use of structure/property: _____

6. Attach a full description (2 copies) of proposed Project/Work/Use. Include appropriate documentation such as plot plan, survey, architectural drawings, etc.

7. Applicable section(s) of Zoning Bylaws _____

Date: _____ Applicant's signature _____

Received by Town Clerk: Date _____ Time _____

Town Clerk's Signature: _____

Town of Shelburne: Zoning Board of Appeals

Special Permit: Overview and Instructions for Filing

Preliminary procedure:

First, file for a building permit/change of use with the Franklin County Cooperative Building Inspector, 425 Main St. Greenfield, MA. Phone (413) 772-2026. If the Building Inspector decides your application requires a special permit, file an appropriate application form available from the Town Clerk of Shelburne. If you would like assistance filling out the application, it may be helpful to meet with the ZBA before filing it. The Board meets at 7 PM on the first Thursday of each month at the Town Hall. The text of the Shelburne Zoning Bylaw is available at <http://www.townofshelburne.com/zoning>. The texts of all Massachusetts General Laws (MGL) are available online at <http://www.mass.gov/legis/laws/mgl>.

Filing procedure:

Complete and file the application for a special permit (including plans, if any, and the filing fee) with the Town Clerk. The application will be transmitted to the Zoning Board of Appeals (ZBA). The ZBA will then schedule a public hearing on the application. *Read Section 6.6 of the Town of Shelburne Zoning Bylaw, where you will find the criteria the Board must consider before granting a Special Permit.* The text of the Shelburne Zoning Bylaw is available online at <http://www.townofshelburne.com/zoning>.

Notification of the public:

The Town will publish a notice of the public hearing in a newspaper of general circulation in the town in each of two successive weeks, the first not less than 14 days before the scheduled hearing, and shall post notice of the hearing in the Town Hall 14 days before the hearing date. (MGL Ch. 40A Sec11)

Notification of Abutters and Neighboring Towns:

The Town will send notice of the public hearing to: 1) The applicant; 2) All abutters within 300 feet of the property line of the parcel defined as it appears on the most recent tax map; 3) Owners of land directly opposite on any public or private way; and 4) Shelburne Planning Board and the Planning Boards of every abutting town. (MGL Ch. 40A §11)

Time limits:

The ZBA will schedule a public hearing on the application within 65 days of the date of filing. The decision of the ZBA shall be made within 90 days following the closing of the public hearing. (MGL Ch. 40A §9)

Records and filing requirements:

The ZBA shall make a detailed record of its proceedings (minutes) and record the vote of each member on each question (or if absent or failing to vote, so indicating) and setting forth clearly the reasons (findings) for its decision and its official actions. Copies of this record shall be filed with the Town Clerk within 14 days of the decision and shall be deemed a public record.

Appeals:

Appeals to the ZBA's decisions, if any, must be filed with the Town Clerk and with the appropriate court of law within 20 days after the date of filing of the decision. (MGL Ch. 40A §17)

Applicant's final filing requirements:

The successful **Applicant** must file the **original** copy of the decision of the ZBA with the Franklin County Registry of Deeds within a reasonable amount of time and return the notice of filing to the Town Clerk. Prior to filing the original, the applicant should make sufficient copies of the decision for personal files, the Building Inspector, and any other interested parties.

Town of Shelburne: Zoning Board of Appeals

Variances: Overview and Filing Instructions

Preliminary procedure:

First, file for a building permit/change of use with the Franklin County Cooperative Building Inspector, 425 Main St. Greenfield MA. 01301. Phone (413) 772-2026. If the Building Inspector rules that your application requires a variance, complete and file the variance application form available from the Town Clerk. If you would like assistance filling out the application, it may be helpful to meet with the ZBA before filing it; the Board meets at 7 PM on the first Thursday of each month at the Town Hall. The text of the Shelburne Zoning Bylaw is available at <http://www.townofshelburne.com/zoning>. The texts of all Massachusetts General Laws (MGL) are available online at <http://www.mass.gov/legis/laws/mgl>.

Filing procedure:

Application for a zoning variance, including plans and filing fee, shall be filed with the Town Clerk and will be transmitted to the Zoning Board of Appeals (ZBA). The ZBA will schedule a public hearing on the application. *Read Section 15.2.1.2 of the Town of Shelburne Zoning Bylaw. Also read Article III, Section 5 of the ZBA's Rules and Regulations, where you will find a short version of Mass. General Laws, Ch 40A §10, which sets forth the required conditions for granting variances.* The text of the ZBA's *Rules and Regulations* is available online at <http://www.townofshelburne.com/zoning>.

Notification of the public:

The Town is required to publish a notice of the public hearing in a newspaper of general circulation in the town in each of two successive weeks, the first not less than 14 days before the scheduled hearing. A notice of the hearing shall be posted in the Town Hall 14 days before the hearing date. (MGL Ch. 40A Section 11)

Notification of Abutters and Neighboring Towns:

The Town will send notice of the public hearing to: 1) The applicant; 2) All abutters within 300 feet of the property line of the parcel defined as it appears on the most recent tax map; 3) Owners of land directly opposite on any public or private way; and 4) Shelburne Planning Board and Planning Boards of every abutting town. (MGL Ch. 40A §11)

Time limits:

The ZBA shall schedule a public hearing on the application within 65 days of the date of filing. The decision of the ZBA shall be filed with the Town Clerk within 100 days of the date of filing. (MGL Ch. 40A §15)

Appeals:

Appeals to the ZBA's decisions, if any, must be filed with the Town Clerk and with the appropriate court of law within 20 days after the date of filing of the decision. (MGL Ch. 40A §17)

Records and filing requirements:

The ZBA shall make a detailed record of its proceedings (minutes), recording the vote of each member on each question (or if absent or failing to vote, so indicating) and setting forth clearly the reasons (findings) for its decision and its official actions. Copies of this record shall be filed with the Town Clerk within 14 days of the decision and shall be deemed a public record.

Applicant's Final Filing requirements:

The successful **Applicant** must file the **original** copy of the decision of the ZBA with the Franklin County Registry of Deeds within a reasonable amount of time and return the Notice of Filing to the Town. Prior to filing, Applicant should make sufficient copies of the decision for personal records, the Building Inspector, and other interested parties.