

# Town of Shelburne Zoning Board of Appeals

## Variance Overview

### **Preliminary procedure:**

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 your application requires a variance, file an appropriate application form available from the Town Clerk of Shelburne. In cases of changes of use only, consult with Franklin County Cooperative Building Inspector to determine if a variance is required.

### **Filing procedure:**

Application for a zoning variance, including plans, filing fee, and publication deposit, 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.

### **Notification of the public:**

The Town shall have published 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 shall send notice (certified mail is recommended) of public hearings to:

1. The petitioner.
2. All the 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.
4. The Town Planning Board and Planning Boards of every abutting town.

*MGL Ch. 40A Section 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 Section 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 Section 17*

### **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 the records 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 Office of the Building Inspector, etc.