

Town of Monterey

Zoning Board of Appeals Application

For office use only					
Date application was received & filed with the Town Clerk					
Application Number					
Filing fee/expense reimbursement (check #)					
Property Address					
Dates advertised in the Berkshire Eagle					
Hearing Date					
11 copies submitted					
Be sure to supply all required information and sign the form wl	here indicated. Please refer to the Zoning				
By-Laws of the Town of Monterey adopted by Town Meeting of					
necessary, refer to specific sections within.					
Section A. Please shook the action you are seeking (sheek	all that apply).				
Section A. Please check the action you are seeking (check	<u>. an that apply)</u> :				
X Special Permit					
- Special Formit					
☐ Variance					
☐ Appeal (to modify a decision of a Town Board)					
Section B. Site/Property Information:					
Address of property (ex. 123 Main Rd.): 19 Buckingham L	ane				
Assessor's Map #: 102 Assessor's Lot #: 58					
Zoning District(s): Lake Shore District					
Registry of Deeds Book & Page Number for Applicant's Title: 2600/323					

Section C. Property Ownership Information:

Full Name of Owner(s) (this must match the name on your deed referenced in Section B): Jessie M. Cooney and Joseph O. Cooney

Mailing Address: 30 West Avenue, Great Barrington, MA 01230

Owner's email address and phone number: jess@jesscooney.com 413.329.6535

Full name and mailing address of owner's agent or representative: Stephan Green and Brian Bordonaro of Clark and Green Architects 113 Bridge Street, Great Barrington, MA

Agent or representative's email address and phone number: sgreen@clarkandgreen.com bbordonaro@clarkandgreen.com 413.528.5180 ext. 105

Section D. Project Description (attach additional sheets if necessary):

Please provide a brief description of the Relief Sought and/or Proposed Project:

The special permit request is for a 23 square foot, single story addition to the existing entry/mudroom of the house. An existing deck will be removed for the addition and result in a reduction of land coverage by about 60 square feet. The addition itself meets all zoning setback and height requirements. The change to the property does not increase the nonconforming nature of the structure or lot. The addition will be supported with a new pier so no basement is required.

Section E. Variances, if applicable (attach additional sheets if necessary):

From which section of the zoning bylaws are you requesting a variance? NA

What will the requested variance enable you to do? NA

If the variance is not granted, what hardship will you endure? NA

What special circumstances relating to soil condition, shape or topography of the land is prompting your request for a variance? NA

Explain why your special circumstances are not a result of your own actions? NA

Section F. Appeals (attach additional sheets as necessary and a copy of any written determination/action)

What action of which Town board is being appealed? NA

Date of the action: NA

Describe the remedy you seek: NA

Section G. Special Permits, if applicable (attach additional sheets if necessary):

Describe the need for a Special Permit: The existing house has a very restricting entry sequence that allows only one person to enter and exit at the same time. The small addition will allow the space to function better for a family of five during everyday activities. The proposed work will improve the non-conforming land coverage percentage while having no change to the existing setback distances.

List all the nonconforming aspects of the property: Non-conforming left side, right side, and rear setbacks. The structure is over the maximum land coverage.

Has a special permit or variance been previously granted to this property which is/are currently active? If yes, please describe and/or attach copies of prior decisions: No

Each party signing this Application certifies that the information contained herein is true, accurate, complete and that no material fact or statement has been omitted from this Application which would be relevant to the relief requested hereunder. Signing and submitting this Application constitutes permission for the Board and/or its designees to access and walk the exterior portions of the property for the purpose of site visits in connection with the Application.

Applicant or Representative's Signature: Buan Bordonee

Owner's Signature:

Date: 07.19.2021

19 Buckingham Lane Special Permit Narrative

The property is located in the Lake Shore District, which consists of all land located within 260 feet of the mean high water level line of Lake Buel or Lake Garfield. It was originally established in 1978 and as stated in Section 4.2.1 of the zoning bylaws it predates May 3, 1986 which allows all yard setback requirements to be 15 feet. As stated in Section 4.2.2. "no structure except fences, steps and docks may be erected in the Lake Shore District less than forty (40) feet from the mean high water line." These notes along with the "Table of Dimension Requirements" in Section 4.2.1 yields the following table of dimensional requirements for this property.

TABLE OF DIMENSIONAL REQUIREMENTS					
Category	Requirement	Existing	Proposed	Conformance	
Property Area	2 Acres Min.	0.18 Acres	0.18 Acres	No	
Frontage	200 ft. Min.	49.3 ft.	49.3 ft.	No	
Front Setback	15 ft. Min.	43 ft.	43 ft.	Yes	
Left Side Setback	15 ft. Min.	8.8 ft.	8.8 ft.	No	
Right Side Setback	15 ft. Min.	12.5 ft.	12.5 ft.	No	
Rear Setback	40 ft. Min.	30.5 ft.	30.5 ft.	No	
Building Height	35 ft. Max.	20 ft.	20 ft.	Yes	
Land Coverage	20% Maximum	23.1%	22.3%	No	
Habitable Area	NA	2,075 sq. ft.	2,098 sq. ft.	NA	
Total Area	NA	2,520 sq. ft.	2,543 sq. ft.	NA	

The property itself is in non-conformance in two ways, it does not meet the requirements for property area or frontage. The single-family house structure (constructed in 1978) is also in non-conformance as it does not meet the left side, right side, or rear (lake) setbacks as well as being above the maximum land coverage. A special permit is being requested by section 5.1.6.2 of the Zoning By-Laws of the Town of Monterey.

By Special Permit - Single and Two Family Structures. In cases where a building permit is not authorized as a matter of right, above, the Zoning Board of Appeals may authorize by special permit any extension, alteration, or reconstruction of an existing nonconforming single or two family dwelling provided the Zoning Board of Appeals finds that such change would not increase the nonconforming nature of the structure, lot, and/or use."

The special permit request is for a 23 square foot, single story addition to the existing entry/mudroom of the house. An existing deck will be removed for the addition and result in a reduction of land coverage by about 60 square feet. The addition itself meets all zoning setback and height requirements. The change to the property does not increase the nonconforming nature of the structure or lot.

In accordance to Section 9.4.2 to obtain a special permit it must be shown the adverse effects of the new structure will not outweigh its beneficial impacts to the town or the neighborhood. The following section addresses the listed criteria:

- 1. <u>Social, economic, or community needs which are served by the proposal</u> the existing property is used as a single family structure and will be continued to used in the same manner.
- 2. <u>Traffic flow and safety, including parking and loading</u> The minimum amount of off-street parking for a single family dwelling is 2 spots. The proposed site plan for the property will provide 2 parking spaces which will meet requirements.
- 3. <u>Adequacy of utilities and other public services</u> The property has private water and sewer and will have no adverse effect on public services.
- 4. <u>Neighborhood character and social structures</u> The new entry/mudroom addition will add a friendly and inviting entrance to the street side of the house that should improve neighborhood interaction and curb appeal.
- 5. <u>Impacts on natural environment</u> An existing deck structure will be removed for the new addition which will decrease the amount of land coverage on site and allow for more natural vegetation.
- 6. Potential fiscal impact, including impact on town services, tax base, and employment The use of the property will remain a single-family house and will have no adverse impact on town services or employment.

The information contained in this application along with the presentation before the Zoning Board of Appeals will show that the proposed construction is in accordance with Section 5.1.6.2 of the Zoning Bylaw as well as controlling case law for the issuance of a special permit as it <u>will not</u> increase the nonconforming nature of the structure, lot, and/or use.

7/19/2021 Residential Permit



The Commonwealth of Massachusetts State Board of Building Regulations and Standards Massachusetts State Building Code 780 CMR



Town of Monterey Monterey Town Hall 435 Main Rd P.O. Box 308, Monterey, MA 01245 Phone: 413-528-1443 Fax: 413-528-9452 www.montereyma.gov

APPLICATION TO CONSTRUCT, REPAIR, RENOVATE OR DEMOLISH A ONE OR TWO FAMILY DWELLING

THIS SECTION FOR OFFICIAL USE ONLY													
Application #:	Date Issue	ssued: Permit #:		Fee	Fee Payable: (\$)		Fee	Fee Paid: (\$)		Receipt # :		Date Paid :	
R-21-2877					, , ,			,		<u>'</u>			
SECTION 1 - SITE INFORMATION													
					1.2 Assessors Map & Parcel Number:								
1.1 Property Addr	ess:	19 BUCKINGHAM LN				Map Nur	mber	102	Par	cel Numb	per	102 058 000	
						Current	Use	R-3 Co		nstruction pe		V-B	
Zoning District					Lake Shore District								
1.3 Building or Str	ucture Setb	acks (f	<u>)</u> Not Applica	ıble		Dimensio	nal Re	<u>quirements</u>					
			Front (ft)			Side (ft)		Rear	Rear (ft)		m Lot le (ft)	Minimum Lot width (ft)	
Required						eft Side: Right Side	:						
Provided		43				Left Side: 8.8 Right Side: 12.5		5	49.3		49.3		
Square feet of area	a of work	23 🗆	Not Applicable	Ві	Building or structure size Length: 63 Width			th: 35 Height: 20					
1.4 Water Supply (M.G.L.c.4l Public : Priva Not Applicable	ate: 🌀 📗	1.5 Flood Zone of Structure Zone: A Elevation: NA Outside Flood Zone: Not Applicable 1.6 Sewage Disposal System: Municipal: O on site disposal system: Not Applicable											
1.7 Description of F	Proposed W	/ork											
☐ New Construction	on	□ Exi	isting Building		Rep	air(s)		✓ Addition		ition			
☐ Accessory Bldg		□De	molition		Sola	ır Panels		☐ Weatherization			☐ Shed/Barn		
☐ Pool AG		□Ро	Pool IG De			k		☐ Foundation Only			□ Tent		
Windows		□Ro	of		Sidir	ing							
Brief Description of Proposed Work:													
Enlarge existing mudroom by 23 square feet. Existing entry landing deck will be removed. Building application is for rejection to apply for ZBA special permit for a non-conforming structure.													
SECTION 2 - PROPERTY OWNERSHIP/AUTHORIZED AGENT													
2.1 Owner of Record:													
Name COONEY JESSIE M					Address 30 WEST AVE								
Telephone						City	ity GT BARRINGTON						

State MA			Zip 01230			
2.2 Tenant Name (if other than the owner	er):		,			
Dumping Site Location (where any r (780 CMR 111.5))	osed of	Valley Roll off		□ Not Applicable		
2.3 Authorized Agent/Owner:						
Name Stephan Green	Address 113 Bridge Street	Telepho	one 413 - 528 -	- 5180		
SECTION 3 - CONSTRUCTION SERVICE	ES					
3.1 Licensed Construction Supervisor:						
☑ I am the 81-R/ Architect/ Engineer.						
81-R/ Architect/ Engineer	Stephan Green	Address	3	113 Bridge Str	reet	
License Number		Expirati	on Date	8/31/2021		
Telephone	413 - 528 - 5180	City		Great Barringto	on	
State	MA	Zip		01230		
Email	sgreen@clarkandgreen.c	om		ı		
☑ I do hereby certify under the pains	& penalties of perjury that t	the inform	nation provided abo	ove is true and co	orrect.	
License Type						
U or 00 – Unrestricted	☐ 1G - 1 & 2 Family Dwelling	□ M – N	Masonry Only	RC – Reside	ntial Roofing Covering	
□ WS – Residential Window & Siding □ SF – Residential Solid Fuel Burning Appliance Installation □ D – Residential Demolition						
3.2 Home Improvement Contractor:						
☐ I am the Contractor.						
Name					Address	
Registration Number					Expiration Date	
Telephone					City	
State					Zip	
Email						
☐ I do hereby certify under the pains	& penalties of perjury that t	the inform	nation provided abo	ove is true and co	orrect.	
Is the Licensed Construction Supervisor Not Applicable	different from the applicant	or the Ho	me Improvement (Contractor ? C	Yes ⊙ No □	
3.3 Homeowners Permit:						
SECTION 4- WORKER'S COMPENSAT	ION INSURANCE(M.G.L.c.	.152* 25C	\$(6))			
Workers Compensation Insurance affidates result in the denial of the issuance of the		submitted	with this applicatio	on. Failure to prov	vide this affidavit will	
Signed Affidavit Attached Ye	es 🗹 No □ N/A [
SECTION 5 REGISTERED 81-R/ ARCI			Applicable	Not Applicabl	e Y	
Name (Registrant):	Registration Number					

☐ Not Applicable

7/19/2021	Residential Permit					
Address	Expiration Date					
Email	Telephone					
SECTION 6 - ESTIMATED CONSTRUCTION C	OSTS					
Items	Estimated Cost (D	ollars) to be completed by permit applicant				
1. Building	\$ 10,000.00					
2. Electrical	\$ 2,000.00					
3. Plumbing	\$ 0.00					
4. Gas	\$ 0.00					
5. Mechanical (HVAC)	\$ 0.00					
6. Fire Protection	\$ 0.00					
Total = (1+2+3+4+5+6)	\$ 12,000.00					
Fee to be calculated by building dept						
BUILDING PERMIT ⊙ Owner						
I, COONEY JESSIE M, as Owner of the subject work authorized by this building permit application		norize Stephan Green to act on my behalf, in all matters relative to				
 	141 6 1 41					
I do hereby certify under the pains & pena	alties of perjury tha	t the information provided above is true and correct.				
✓ I do hereby certify under the pains & pena Property Owner's Email: jess@jesscooney.com		t the information provided above is true and correct. Copy of Signed Contract to be attached after submitting application				
Property Owner's Email: jess@jesscooney.com	n OR gent hereby declare	<u> </u>				
Property Owner's Email: <code>jess@jesscooney.com</code> I, COONEY JESSIE M, as Owner/Authorized Agtrue and accurate, to the best of my knowledge a	gent hereby declare and belief.	Copy of Signed Contract to be attached after submitting application				
Property Owner's Email: <code>jess@jesscooney.com</code> I, COONEY JESSIE M, as Owner/Authorized Agtrue and accurate, to the best of my knowledge a	gent hereby declare and belief.	Copy of Signed Contract to be attached after submitting application that the statements and information on the foregoing application are				



TOWN OF MONTEREY

Building Department 435 Main Rd. P.O. Box 308 Monterey, MA 01245

Phone: 413.528.1443 x118 Fax: 413.528.6335 montereybuildinginspector@verizon.net www.monterey-ma.org

July 13, 2021

Jess Cooney Stephan Green, Agent

RE: 19 Buckingham Lane Building Permit Rejection

Dear Jess and Stephen:

The building permit application submitted to construct an entryway at 19 Buckingham Lane Road has been determined not to be a matter of right. The parcel is identified on the Town of Monterey Assessor's Maps as Map 102, Lot 058. The parcel is located in the Lake Shore Zoning District.

The existing Single-Family Dwelling is classified in Section 5.1.6 as a Nonconforming Single-Family Residential Structure as it is located within the required fifteen-foot (15') setback.

To seek relief for your proposal you may apply for a Special Permit before the Zoning Board of Appeals. Please refer to Zoning By-Laws of The Town of Monterey, Section 5.1.6.2. "By Special Permit- Single and Two-Family Structures". "In cases where a building permit is not authorized as a matter of right, the Zoning Board of Appeals may authorize by special permit any extension, alteration or reconstruction of an existing nonconforming single or two-family dwelling provided the Zoning Board of Appeals finds that such change would not increase the nonconforming nature of the structure, lot, and/or use".

Please refer to Section 9.2 which pertains to the powers and duties of the Zoning Board of Appeals and specifically, Section 9.2.2.2 Special Permits, for your filing.

If you are aggrieved by the building permit rejection, you may appeal this determination to the Zoning Board pursuant to Section 9.2.2.1. Appeals.

Please contact our office should you require additional information or clarification.

Sincerely,

Donald R. Torrico, C.B.O. Building Commissioner

Cc: Zoning Board of Appeals



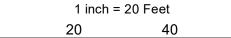


19 Buckingham Lane

CAI Technologies

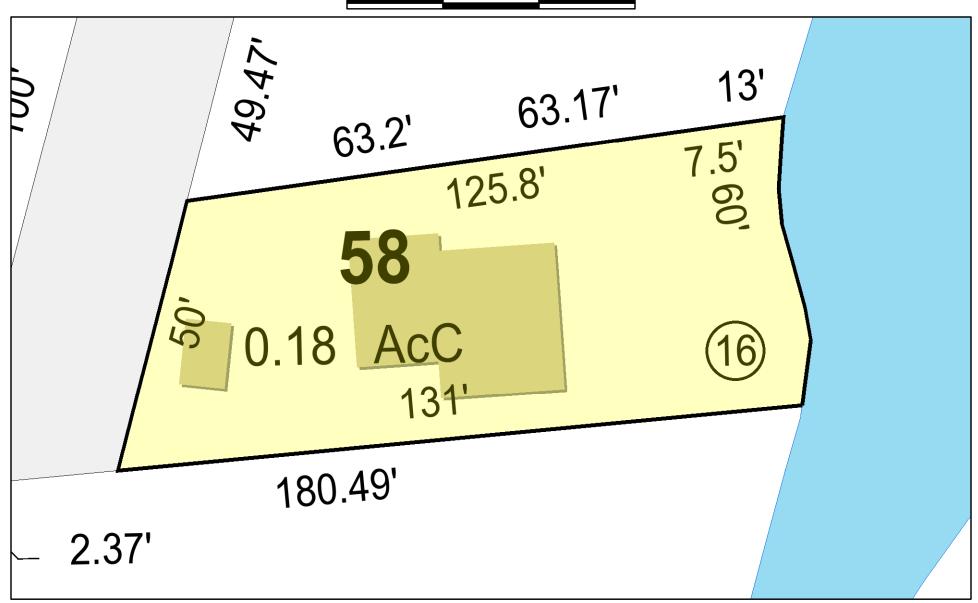
Monterey, MA

July 20, 2021

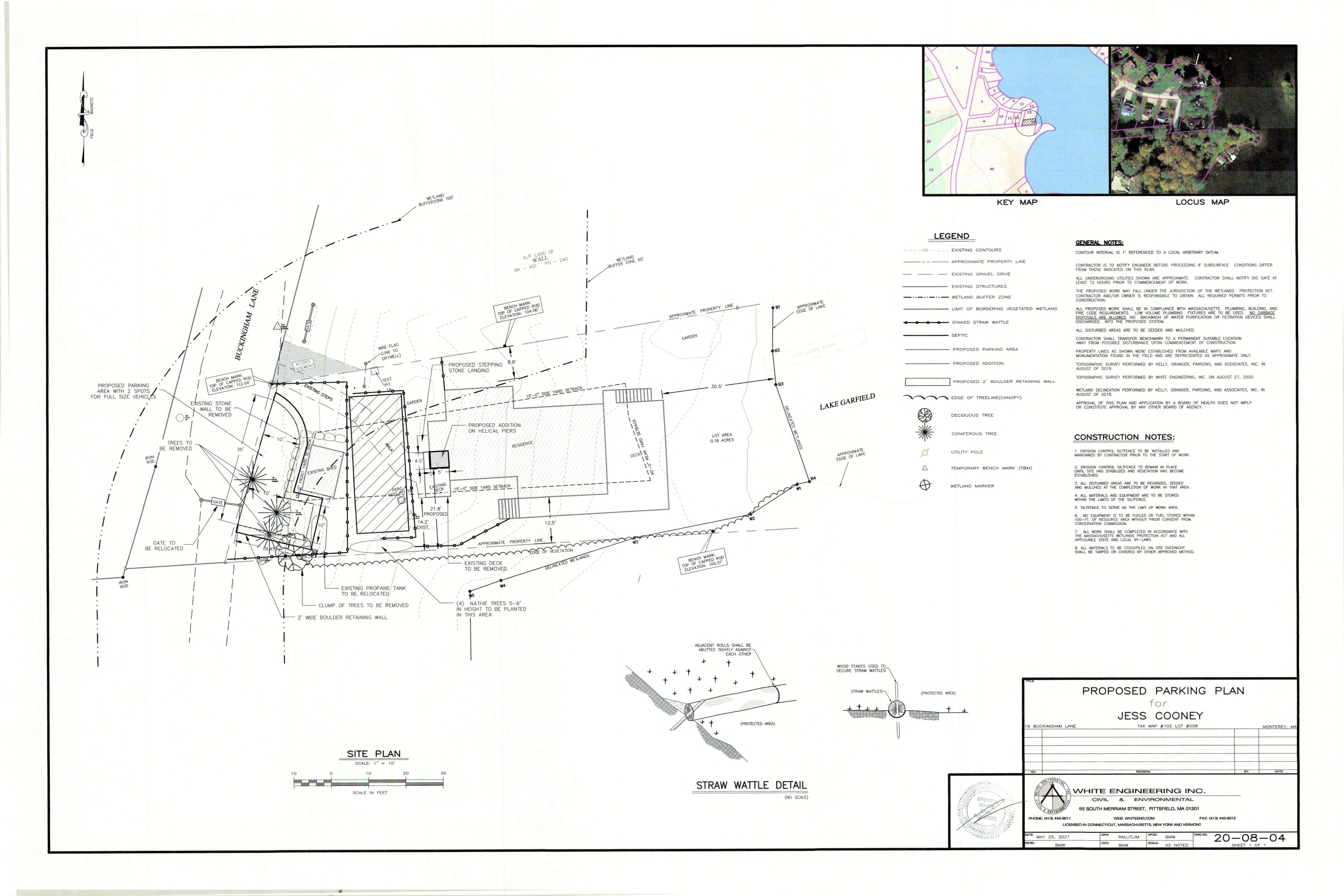


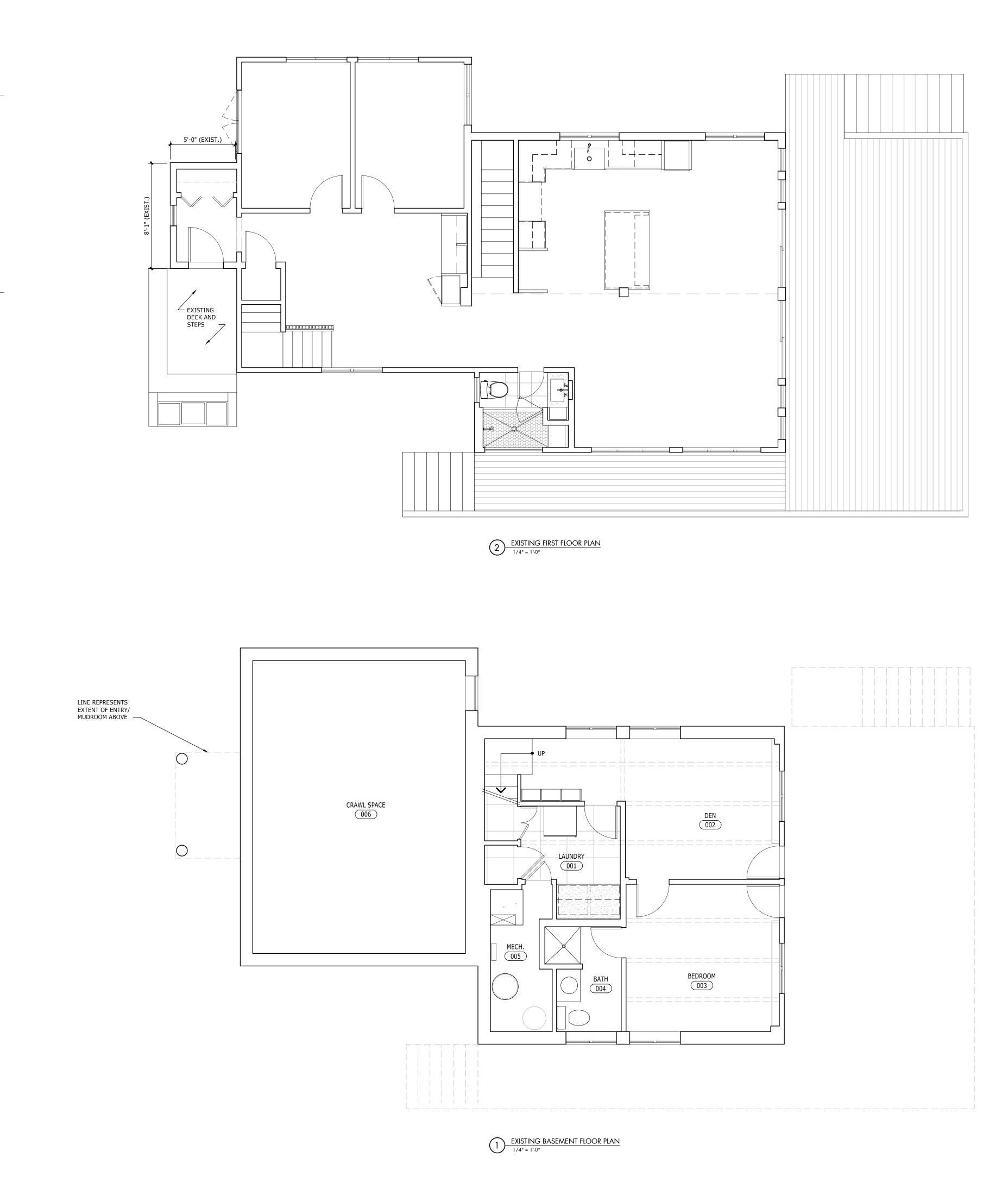
60

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.





OWNER'S BEDROOM

EXISTING SECOND FLOOR PLAN

1/4" = 1'-0"

EXISTING WALLS TO REMAIN

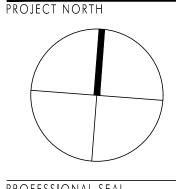
PLAN LEGEND:



CLARK & GREEN, INC. ARCHITECTURE DESIGN

113 BRIDGE STREET GREAT BARRINGTON MASSACHUSETTS 01230 PHONE **413-528-5180**

PROJECT NORTH



PROFESSIONAL SEAL

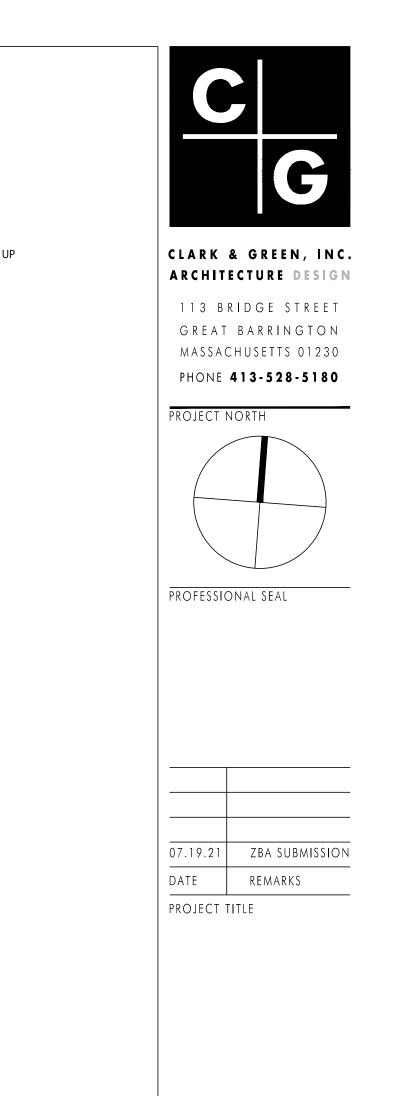
07.19.21	ZBA SUBMISSION
DATE	REMARKS

PROJECT TITLE

USE

SHEET TITLE EXISTING FLOOR PLANS

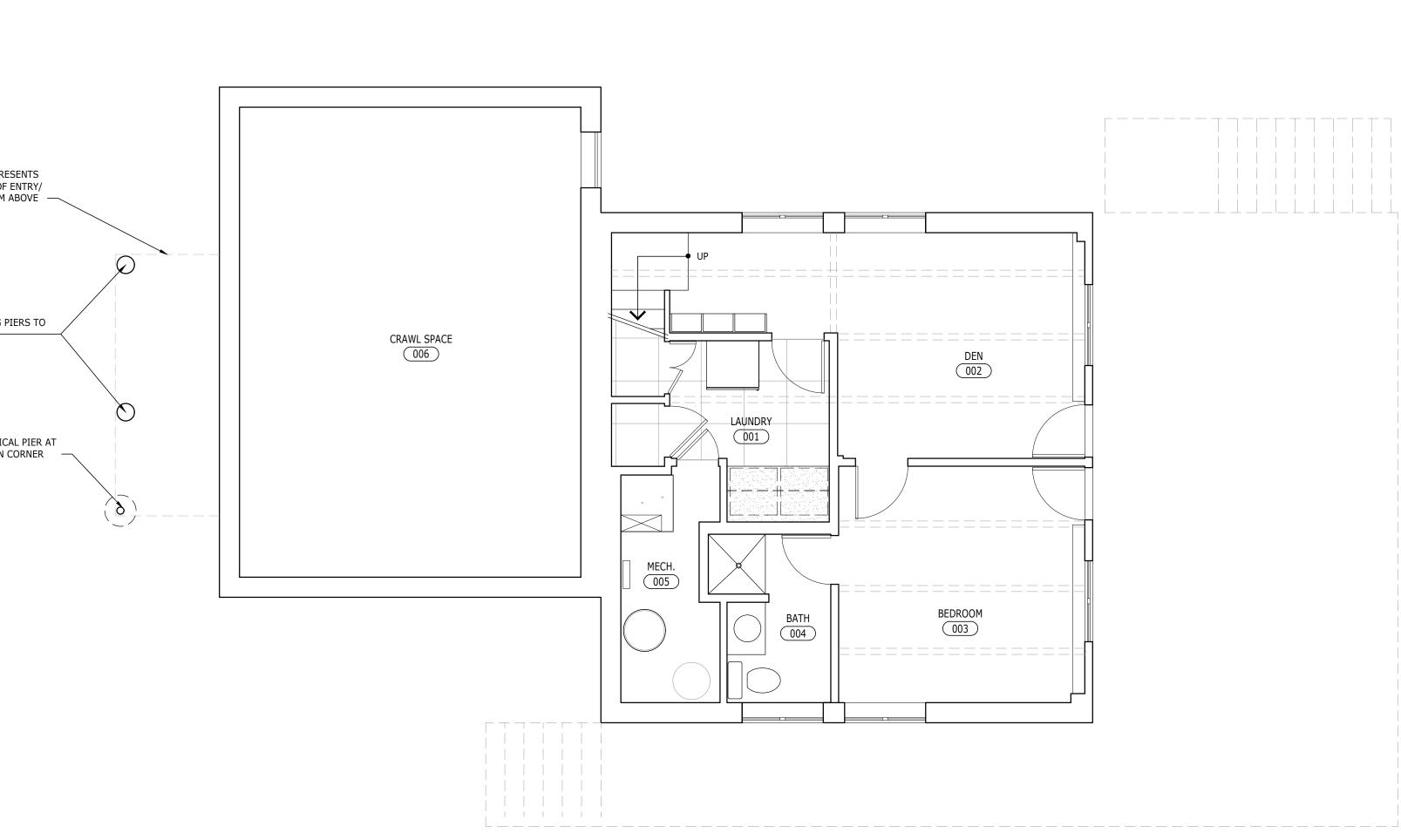
EXIST.

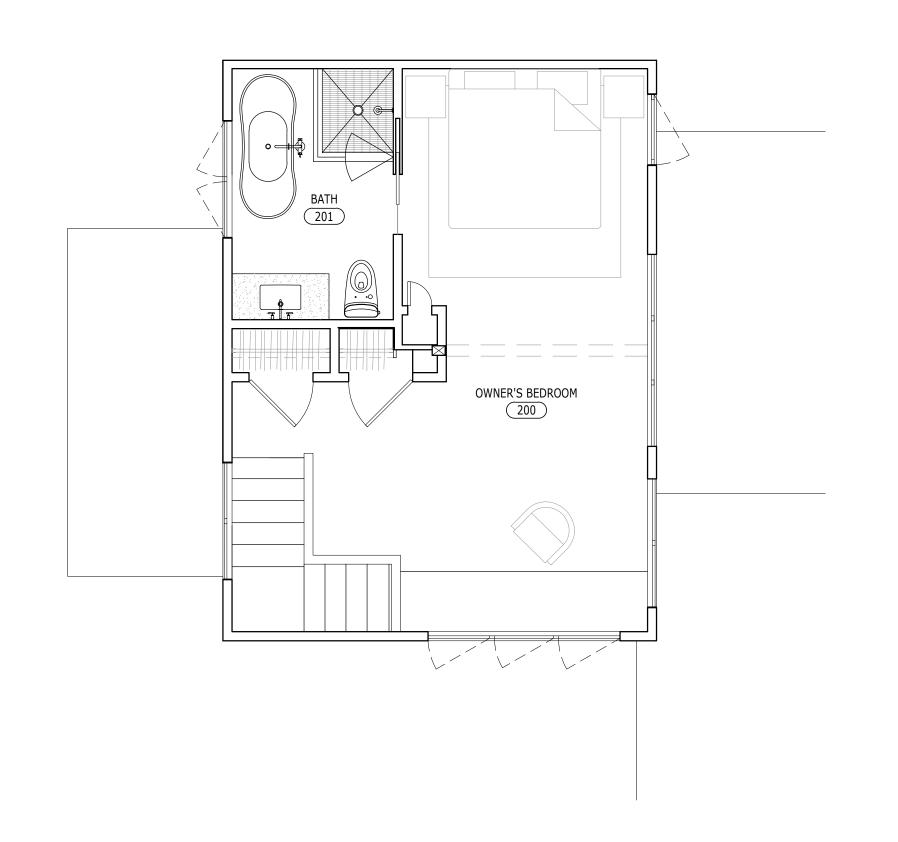


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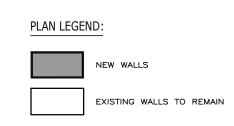
S

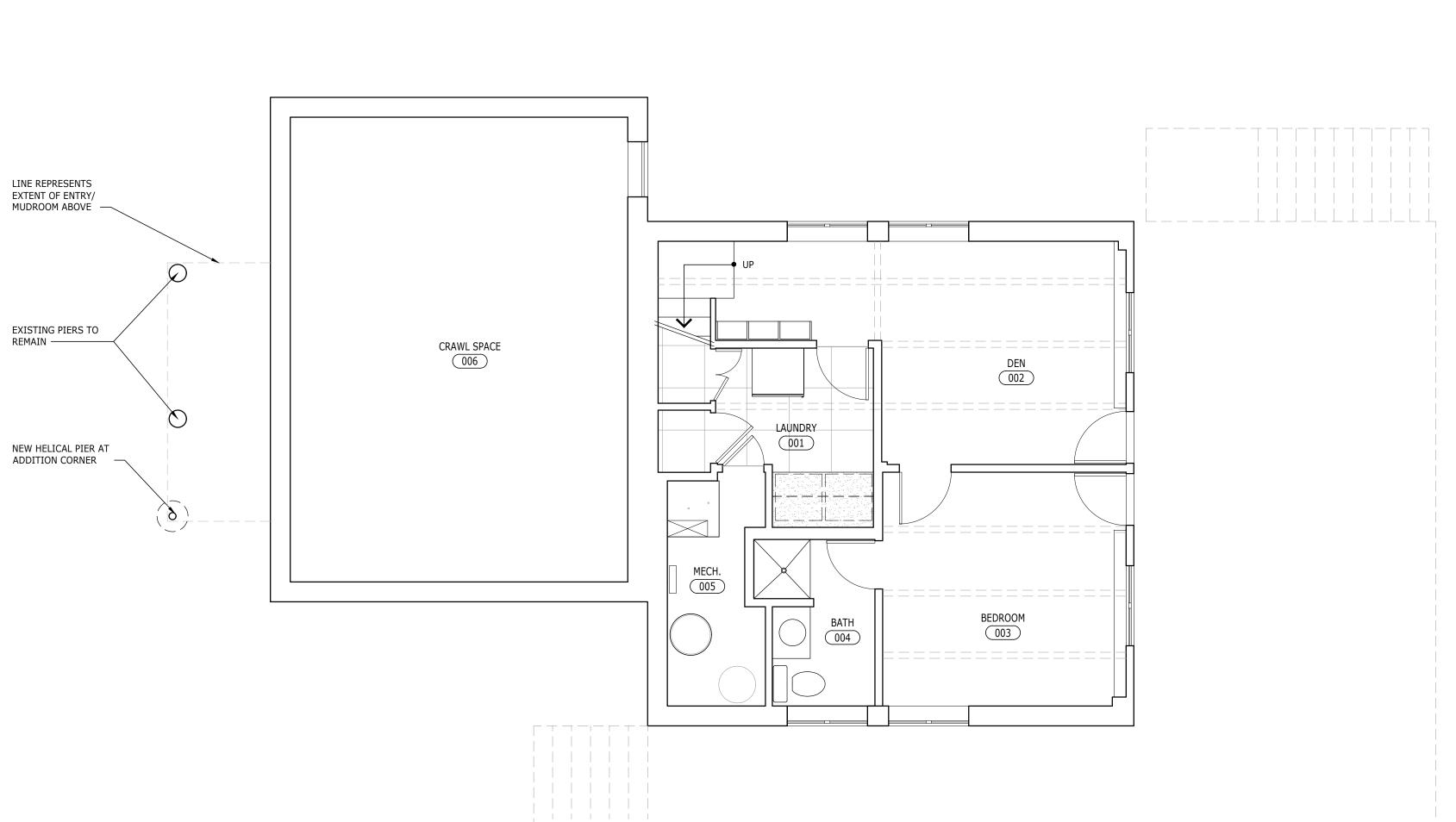
WOOD DECK











PROPOSED FIRST FLOOR PLAN

1/4" = 1'-0"

GREAT ROOM 104

BEDROOM

103

HALLWAY 101

BEDROOM

NEW CLOSET FOR BEDROOM

102

5'-0" (EXIST.)

DASHED LINE REPRESENTS EXTENT

OF ROOF ABOVE

EXISTING CLOSET DEPTH

ALIGN EXTERIOR FACE OF WALL

NEW STEPPING STONE LANDING
- MIN. 3'-0" DEEP

2x6 WALL FRAMING AT NEW AREAS OF

CONSTRUCTION —

BUILT-IN BENCH —

EXISTING DECK AND STEPS TO BE REMOVED -

TO REMAIN

NO CHANGE

SHEET NUMBER

PROPOSED FLOOR PLANS

SHEET TITLE

113 BRIDGE STREET GREAT BARRINGTON MASSACHUSETTS 01230 PHONE **413-528-5180**

PROJECT NORTH

PROFESSIONAL SEAL

07.19.21	ZBA SUBMISSION
	DEMARKS

PROJECT TITLE

HOUSE

AKE

BXISTING WEST EXTERIOR PHOTO NOT TO SCALE



PROPOSED WEST EXTERIOR ELEVATION



EXISTING WEST EXTERIOR ELEVATION
1/4" = 1'-0"

exterior and INTERIOR ELEVATIONS

SHEET NUMBER

ELEV.