

Standard Department Narrative Form

Department Name: **Zoning Board of Appeals**

Department Number 176

Purpose of Department/Mission

The Zoning Board of Appeals is one of the Town's Special Permit granting authorities and the final local arbitrator of land use issues. It is the safety valve to vary the terms of our Zoning regulations where the strict application is unfair or unanticipated or where discretionary action is required.

The Board is empowered to vary the terms and requirements of our By-laws under certain prescribed conditions such as hardship or unique circumstances. These issues weigh the relative rights, obligations and burden benefiting the public interest with the rights and interests of the individual. The Board is also the last local appeal body for land use decisions of the Inspector of Buildings and of Sub-division decisions of the Planning Board. The Board also issues Special Permits for certain land use activities such as earth removal, signage, multifamily construction, telecommunication facilities and many commercial uses of land and buildings.

Massachusetts General Laws Chapter 40A requires the Board's existence and also prescribes the Board's method of public notice and decision. The principal costs incurred by the Board are the result of legal requirements to publicly advertise all hearings and notify by mail all parties of interest. The budget submitted reflects these mandated requirements.

Because the number of zoning hearings varies from year to year, we attempt to budget for an average year with adjustments for the variation.

The Board's expenses are driven by statutory advertising requirements; however, the fees collected cover these expenses. The Board also budgets for maintenance and updating of the Town's zoning maps.

Department Staffing

- Part of the time of the Building Department's full-time clerk
- Part of the time of the Inspector Buildings

Mandated Services

Under Massachusetts General Laws Chapter 40A (The Zoning Act) the law requires the existence of a Board of Appeals if a Town adopts Zoning By-laws. The Board must be available to conduct public hearings on requests from the public for Variances, Special Use Permits and Appeals for and Enforcement.

Other Programs/Services Provided

- The Building Department provides all clerical and most technical support to the Zoning Board of Appeals.

Revenues Generated

- Filing Fees for ZBA Hearings
- Montague Zoning Bylaws
- Zoning Maps