



City of Westfield

ZONING BOARD OF APPEALS

OBTAINING A SPECIAL PERMIT

What is a Special Permit and why do I need one?

The Special Permit process, authorized under state and local zoning laws, is intended to insure that certain conditions or uses of land within the City (as described in the Zoning Ordinance) are appropriate for your specific property and do not negatively impact the neighborhood. Special permit applications are reviewed on a case-by-case basis. The Zoning Board of Appeals is the authority which the ordinance tasks with considering your specific request. Special permits are discretionary, based on the Board's findings relative to your unique property.

When does the Board meet?

The Board generally meets on the 1st Wednesday of each month, and may meet at other times as warranted. Meetings are typically at 7:15pm in City Hall Room 315. Official notice of any meeting is posted by the City Clerk at least 2 days prior.

How do I file my special permit application and how long will the process take?

Deliver two copies of your complete [application](#) package to the Community Development & Planning Office no later than the last Wednesday of the month. You should then attend the upcoming ZBA meeting, where the Board will review and accept your application and schedule a formal public hearing (generally the following month). Board members often visit the property prior to the hearing and, depending on your request, may ask that the subject area be marked (such as the property line or limits of proposed building construction). After filing, allow a minimum of 8-10 weeks for your permit to take effect.

What will this cost?

The application fee varies depending on the nature of the request, but is typically \$125, \$225 or \$375 (includes the Assessors Office cost to prepare an abutters list for the Board). You will also be billed directly for the required legal ads by the newspaper (cost varies), have your approval certified by the City Clerk (\$10) and record it at the Hampden County Registry of Deeds (\$105).

Do I need to notify my neighbors or obtain their approval?

No, but a newspaper notice will be published and the City will mail a notice to all property owners within 300 feet of your lot, including information about your proposal and the public hearing, should they wish to attend or comment. The decision ultimately rests with the Board.

What do I do at the Public Hearing?

The Chair will introduce the application at which time you should state your name and address and summarize your request to the Board. Members of the Board may ask you questions as they discuss your petition. Members of the public will also be given an opportunity to ask questions of fact, and to speak for or against it.

It may be helpful to think of this process as if you were in court making a case to a judge or jury. It is your duty to provide evidence (by your application materials and testimony) so the Board can find that (1) your specific property is appropriate to accommodate your request, (2) the use will not adversely affect your neighbors, (3) you will have appropriate facilities for your request and (4) your proposal conforms to all other requirements. Certain Special Permits may require additional findings to be made. For example, in granting a dimensional Special Permit, the Board may also consider if the neighborhood's building setback patterns are similar.

What if I am unable to attend the hearing?

If you or your representative cannot attend, you may request the Board continue your hearing to a future date. This can be done by contacting the Planning Office with your written request. Repeated continuance requests inconvenience the public and the Board, so a \$50 continuance fee may apply.

What if they ask for information I don't have?

The Board may continue the hearing to a future date to allow more information to be considered. *(One the public hearing is closed, the Board cannot consider new information).*

Can I discuss my application with Board members privately?

No; all information and testimony which Board members will consider should be openly disclosed during the public hearing. You may discuss your application anytime with City staff.

When does the Board make their decision?

Generally, they vote the same night they close the public hearing, but they have a 100-day window for action (from the filing date). For an approval, all 3 members of the Board must vote in favor of your application *(the Board membership includes 2 alternate members).*

Can they impose conditions?

Yes; the Board may impose conditions and safeguards to insure the intent of the zoning ordinance will be met. The Board generally discusses proposed conditions with you such that both parties can arrive at a consensus. However, the Board has the power to impose any conditions it sees fit. Failure to comply with your permit's conditions may constitute a zoning violation, subject to enforcement action by the Building Department.

Can I ever change what I originally proposed and was approved for?

If you propose later changes, you may file a Zoning Determination with the Building Department and/or ask the ZBA to determine if the change is minor and thus administratively acceptable - or if an application for a new or formally amended Special Permit is necessary.

Are Special Permits transferrable? Do they expire?

The Special Permit is linked to the property. As a condition, the Board may limit the time the permit is in effect, require it be renewed or reviewed or limit it to a specific applicant.

What if my application is denied?

If the Board cannot make the above findings, it cannot approve your application. Denied applications generally cannot be considered again for two years, unless materially different.

They approved my application! Now what?

A written record of the decision will be filed with the City Clerk shortly thereafter and also mailed to you. After 20 days (during which anyone aggrieved may appeal the decision) you must have the City Clerk sign the decision. Then, in order for the permit to take effect and before any building permit can be issued, you will need to record the document (bearing the City Clerk's signature) at the Hampden County Registry of Deeds (there is a Registry of Deeds satellite office located in City Hall).

I was granted a Special Permit a few years ago but never utilized it. Is it still valid?

If more than three years have elapsed since the Board granted your permit, and the use which it authorizes has not begun, you will need to reapply unless the Board makes an exception extending your time limit.