

TOWN OF STOCKBRIDGE, MASSACHUSETTS

ZONING BOARD OF APPEALS

APPLICANT: Berkshire Waldorf High School, Inc. and The First Congregational Church, United Church of Christ, Stockbridge, MA

PREMISES AFFECTED: 4 Main Street and 6 Main Street, Stockbridge, MA

REFERRING: The applicants are requesting Variances pursuant to Stockbridge Zoning Bylaws, Section 7.2.2 requesting variances with respect to Section 5.5 Table of Dimensional Requirements for the Residential R2 requirements as well as the dimensional requirements stated in section 6.14 (2) of the Bylaws with regard to property at 4 Main Street and 6 Main Street. Properties are RC and R2.

DATE OF DECISION: December 19, 2023

Findings: The ZBA by a 5-0 decision grants a variance from the frontage ,area and lot coverage requirements of the Bylaws. The Board finds that the circumstance relating to the structures i.e. 2 old buildings the Church and the Old Town Hall which were in existence prior to the enactment of the Stockbridge Zoning Bylaws is unique and is not generally in that zone. Also literal enforcement of the provisions of the Zoning Bylaws would involve substantial hardship to the petitioner i.e. preclude the sale to the Old Town Hall to the School. The desired relief may be granted without substantial detriment to the public good and does not nullify the intent and purpose of the Bylaws. see *Palitz v Zoning Board of Appeals of Tisbury* ,470 Mass.795

VOTED: The variance was granted. There were 5 votes to grant the variance: Schuler, Moffatt, Murray, Mills and Andrew