

Issues with the Teen Challenge Application for Variance

1. Lot and property in question

After speaking with the real estate agent involved, there is some confusion as to which property is being sold to teen challenge and which property is being asked for a variance. The application asks for a variance only on Tax Map PR22- Lot 29. However the real estate agent involved seemed to understand that both Lots 29 and 27 were being sold to Teen Challenge. While it is perfectly permissible to only get a variance on Lot 29, if both lots are being purchased, the board would have to know what will become of lot 27 in the future. If lot 27 is going to be part of the Teen Challenge facility, it needs to be included in the application for variance and abutters to both lots need to be notified.

2. "Proposed use of the property concerned: Faith based recovery center for teens"

This has been clearly corrected several times but never corrected on the application. Teen Challenge is asking to run a facility for 18+ Men. However, the application we are being asked to approve does not say that.

3. When asked to "Explain your proposal fully (attach additional sheets if necessary):" the application says "Our proposal uses all existing buildings, without the need for additions or new buildings. To house the Teen Challenge New England facility, a faith based recovery center for life controlling problems for adults and teens; not limited to drugs or alcohol, divorce, traumas, violence, bullying, peer pressure, that accompanies the challenges of life."

This is the primary problem in the application that cannot be fixed without fundamentally changing the application. While Teen Challenge has explained in length what they do and how their program runs, they did not include any of that in the application. As a board we must consider the property as it will exist in Pittsfield in the long run. A variance stays with the property even after a sale or transfer of property. And it will continue to be effect until the use is abandoned (as defined by the zoning ordinance and case law).

This application for variance doesn't even put a limit on itself. This makes our job as a Zoning Board impossible to carry out. How can we even begin to consider if the application is "contrary to the public interest", "the spirit of the ordinance is observed", "substantial justice is done", "the values of surrounding properties are not diminished", and if "Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship" if we are considering an applications that doesn't have a limit to it.

The board should reject the application currently before us. Sisters of Holy Cross, Inc/ Teen Challenge have the option to reapply for a variance and in that new application include a detailed description of how their facility will run. The ZBA and the Town have no interest in limiting the practice of religious freedoms. However, any new applications that may come before the board must include details regarding the intake, handling, and final disposition of participants in the Teen Challenge program, as well as details concerning the interaction between Teen Challenge staff and participants with the neighborhood and town as a whole. Without these firm details, It is impossible for the ZBA to approve an application and consequently it must continue to reject any and all such applications.