

ZONING BOARD OF APPEALS
MINUTES OF MEETING
May 23, 2005

Board Members Attending: Thomas Hannigan
John Reynolds
Matthew Armendo
Lenny Ciuffredo
Morris Bergman
David George
Jerry Horton

Staff Attending: David F. Holden, Department of Code Enforcement
Denise McGinley, Division of Land Use
Edgar Luna, Economic Office of Neighborhood Services

The Board met in Executive Session from 5:00 to 5:35 p.m. with Attorney Donald Ryder relative to pending litigation regarding the following items:

- A. 166-207 Grafton Street (CDB Realty Trust versus Zoning Board of Appeals)
- B. 1 & 3 Prioulx Street (Riggieri, Trustee of the E.T. Bass Real Estate Investment Trust versus Zoning Board of Appeals)

Thomas Hannigan opened the meeting at 5:40 P.M. The following actions were taken:

42 Piedmont Street – Variances: Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Variances (*to construct a single-family dwelling unit*) as listed below:

Variances:

- 1. Relief of 950 square feet from Gross Dimensional requirement.
- 2. Relief of 6 feet from Frontage requirement.

39 Seymour Street – Variance & Special Permit: Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to continue the request for Variance & Special Permit (*to construct exterior set of stairs to facilitate a second egress for third floor apartment*) until June 13, 2005 as follows:

Variance: Relief of three feet from Side Yard setback requirement.

Special Permit: Expansion or change of a non-conforming use/structure.

39 Shelby Street – Administrative Appeal: Upon a motion duly made by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to continue the Administrative Appeal (*to overturn the March 9, 2005 Planning Board decision granting Site Plan approval for parcel located at 39 Shelby Street*) to June 13, 2005 as follows:

Note: The Board requested an opinion form the Law Department regarding time standards for Administrative Appeals as the Zoning Ordinance, Article II, Section 3A states “90 days” but the stature states something different.

Note: It was duly noted by the Board that the legal ad was incorrect as it stated May 9, 2005 instead of March 9, 2005 Planning Board decision.

10 Frank Street – Variances: Upon a motion duly made by Matthew Armendo and seconded by Lenny Ciuffredo, the Board voted 5-0 to continue the requested Variances (*to divide existing parcel into two 5,000 square foot lots (#113 & #114) in order to construct a single-family dwelling on Lot #113*) until June 27, 2005 as listed below:

Variances:

1. Relief of 3,000 square feet (Lot #114) and 2,000 square feet (Lot #113) from Gross Dimensional requirement.
2. Relief of 20 feet (Lot #114) and fifteen feet (Lot #113) from Frontage requirement.

Note: Due to issues with parking, the Board requested that the Petitioner come back with an amended parking plan.

311 Bridle Path – Variances: Upon a motion duly made by Matthew Armendo and seconded by Lenny Ciuffredo, the Board voted 5-0 to continue hearing for requested Variances (*to raze existing structure and replace with a new single family dwelling*) to June 13, 2005 as follows:

Variances:

1. Relief of 4,040 square feet from Gross Dimensional requirement.
2. Relief of 25 feet from Frontage requirement.
3. Relief of 6 feet from Front Yard setback requirement.

Note: The Board asked Petitioners to present construction drawing pertaining to proposed dwelling to be built.

Note: Jerry Horton specifically requested information pertaining to height from grade to peak of said proposed structure.

834 Grafton Street – Special Permit: Upon a motion duly made by John Reynolds and seconded by Lenny Ciuffredo, the Board voted 5-0 to approve the requested Special Permit (*to operate a nail salon in existing single-family dwelling*) with the following condition as listed below:

Special Permit:

1. To allow a personal service (nail salon) in a RL-7 zoning district.

Condition:

1. Petitioner to erect signage on property instructing customers not to back out into Grafton Street.

23 Gardner Street – Variance: Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Variance (*to construct a two-family dwelling unit*) as listed below:

Variance:

1. Relief of three (3) feet from Frontage requirement.

34 Suffield Street – Variances and Special Permits: Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Variances and Special permits (*to convert vacant store fronts into additional dwelling units*) with the following condition as listed below:

Variances:

1. Relief of 4,126 square feet from Gross Dimensional requirement.
2. Relief of 5 feet from Frontage requirement.
3. Relief of 2 spaces from Off-Street Parking requirement.

Special Permits:

1. Conversion to additional dwelling units (2).
2. Expansion or change off a non-conforming use.

Condition:

1. Parking spaces are to be dedicated to tenants.

81-83 Hamilton Street – Variance & Special Permit: Upon a motion duly made by Matthew Armendo and seconded by Jerry Horton, the Board voted 4-1 (John Reynolds voted No) to continue the request for Variance & Special Permit (*to convert vacant storefront into a small restaurant*) until June 27, 2005 as follows:

Variance: Relief of 12 spaces from Off-Street Parking requirement.

Special Permit: Expansion or change of a non-conforming use/structure.

Note: Land Use office was instructed to call Petitioner and ascertain reason for his absence at the hearing and to request that Petitioner submit explanation to the Board in writing.

OTHER BUSINESS: (2)

The Board requested that the following opinions be obtained from the Law Department:

1. What is the appeal period on an Administrative Appeal? There were conflicting written time standards:
 - a. Zoning Ordinance references 90 days;
 - b. Statute says 60 days;
 - c. Or is it 100 days?

 2. What is the proper procedure for the Board to take when a petitioner does not show up for a hearing? The Board has been continuing the hearings; but they want to know if they can deny the Petitions, and if they deny the Petition, can the Petitioner ask for reconsideration?
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Approval of Minutes: The Board would not approve the minutes as written and asked that they be corrected by adding 50 Chino Avenue onto the minutes and by having the typographical errors edited.

The meeting adjourned at 7:35 p.m.