



## VARIANCE APPLICATION

**CITY OF WORCESTER ZONING BOARD OF APPEALS**  
 455 Main Street, Room 404, Worcester, MA 01608  
 Phone 508-799-1400 ext. 31440 - Fax 508-799-1406

Fill in information for the Variances (s) you are applying for. Attach additional documentation as necessary.

Address: 37 Natural History Drive (AKA M46 B011 L108-3)

Parcel ID or MBL: M46 B011 L108-3

If more than one structure on the lot, identify relevant structure requiring relief: One Structure only

Lot Area		Front Yard Setback		Rear Yard Setback	
Square footage required:	7000	Setback required:	20	Setback required:	20
Square footage provided:	14588	Setback provided:	20	Setback provided:	106
Relief requested:	0	Relief requested:	0	Relief requested:	0
Frontage		Side Yard Setback		Exterior Side Yard Setback	
Frontage required:	65	Setback required:	8	Setback required:	
Frontage provided:	16.8	Setback provided:	20	Setback provided:	
Relief requested:	48.2	Relief requested:	0	Relief requested:	
Off-street Parking		Height		Accessory Structure 5-foot Setback	
Parking required:	2	Height permitted:	35	Type of structure:	
Parking provided:	2	Height provided:	less 35	Square footage of structure:	
Relief requested:	0	Relief requested:	0	Relief requested:	
Off-street Loading		Other Variances			
Loading required:		Relief requested:			
Loading provided:		Zoning Ordinance Article & Section:			
Relief requested:		Requirement:			
		Provided:			

If you are requesting Variances for more than one structure or lot, provide this sheet for each structure/lot. Only complete the sections pertaining to the Variances (s) you are applying for.

1. Property Information

a. 37 Natural History Drive

Address(es) – please list all addresses the subject property is known by

b. M46 B011 L108-3

Parcel ID or Map-Block-Lot (MBL) Number

c. Worcester District Registry of Deeds, Book 51911

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Current Owner(s) Recorded Deed/Title Reference(s)

d. RL7

Zoning District and all Zoning Overlay Districts (if any)

e. Raw land with pre-existing paved driveway that was for a 1 bed home

Describe what is presently located on the property (Use as much detail as possible including all uses and square footage of each use):

f. Pre-existing house was a 1 bed (5 room house). Proposing 4 Bedroom

If residential, describe how many bedrooms are pre-existing and proposed

2. Applicant Information

a. Rocco Leone

Name(s)

b. 35 Natural History Drive Worcester MA

Mailing Address(es)

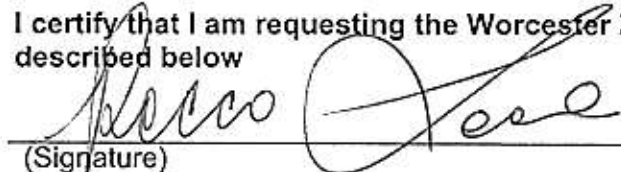
c. leonewor@aol.com 508-340-6643

Email and Phone Number(s)

d. Property Owner

Interest in Property (e.g., Lessee, Purchaser, etc.)

I certify that I am requesting the Worcester Zoning Board of Appeals to grant the Variance as described below



(Signature)

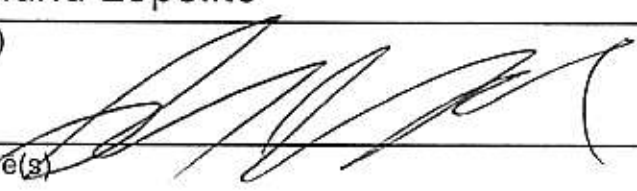
3. Owner of Record Information (if different from Applicant)

a. \_\_\_\_\_  
Name(s)

b. \_\_\_\_\_  
Mailing Address(es)

c. \_\_\_\_\_  
Email and Phone Number

4. Representative Information

- a. Raymund Lopolito  
Name(s)
- b.   
Signature(s)
- c. 18 Elm Street #B Shrewsbury MA. 01545  
Mailing Address(es)
- d. 865@starterline.com      508-753-9000 x 865  
Email and Phone Number
- e. consultant  
Relation to Project (Architect/Attorney/Engineer/Contractor, etc.)

5. Owner Authorization

Authorization I, Rocco Leone, Owner of Record of the property listed with the Assessing Division of the City of Worcester, Massachusetts as Map 46 Block 011 Lot(s) 108, do hereby authorize Raymund Lopolito to file this application with the Division of Planning & Regulatory Services of the City of Worcester on this the 18 day of December, 2023.

6. Proposal Description

- a. Construct a new single family home with 4 bedrooms. The previous house was in such disrepair and the private sewer system failed at time of purchase. So the structure was removed with the  
The applicant seeks to (Describe what you want to do on the property in as much detail as possible)
- b. no  
Are you aware if this property has been previously granted approvals from any City Board or Commission? If so, please list (Provide dates of previous approvals, book and page numbers and/or certificate numbers of any recorded decisions and/or recorded/registered land. Also, please provide copies of previous recorded decisions)
- d. no  
Have you applied for or are you aware if other applicants have applied for a Building Permit for this site and been refused for non-compliance with the Zoning Ordinance (e.g., a cease-and-desist order has been issued)?
- e. Previously had a single family that was removed because poor condi  
List any additional information relevant to the Variance (s)

### VARIANCE - FINDINGS OF FACT

In the spaces below, please explain how the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations per Article II, Section 6(A)(3) of the Zoning Ordinance. *Attach additional supporting documentation as necessary.*

1. Describe how a literal enforcement of the provisions of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant:

Construct a new single family home with 4 bedrooms. The previous house was in such disrepair and the private sewer system failed at time of purchase. So the structure was removed with the intent to some day build a new house for the family

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located:

The soil conditions prevented the existing sewage system to fail the Title V. The new system will be placed on the property in a different location that will meet the existing Title V requirements.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance:

The relief can be granted on the existing frontage as this is the last home on the private road.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants, or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship:

The owner is asking for relieve as the pre existing home that was on the land had this same amount of frontage. This will not create any additional hardship because this is the last house on the road.



## SUGGESTIONS FOR THE PLAN OF LAND SHOWING THE PROPOSED DEVELOPMENT

A plan of land, at least 8 ½" x 11" or 11" x 17", and drawn to scale (at least 1 inch = 40 feet) should show the following:

- North point.
- Names of streets.
- Zoning districts (Include overlay zones – floodplain overlay, water resource protection overlay, flexible parking overlay, mixed-use overlay, arts district overlay, adaptive reuse overlay, etc.).
- Names of owners of properties up to abutters of abutters of the subject property within 300 feet.
- Property lines, locations of buildings or use of the property where a variance or special permit is requested.
- Existing & proposed porches, decks, garages, sheds, pools, stairs, and any other accessory buildings, uses or ground-level projections.
- Distances from adjacent buildings and property lines. These should be verified in the field.
- The dimensions of the lot.
- All existing uses (i.e., types of businesses, types of residences) on the entire parcel and any future proposed uses. Indicate where each different use is located and how much square footage is dedicated to each use.
- Table of dimensional requirements (including exterior side yard setback for corner lots) and proposed setbacks as well as relief requested, or relief previously granted and dates of such granting.
- Percentage of the lot covered by the principal and accessory uses (impervious surface) and percentage of open space.
- Required off-street parking spaces for each use on the lot. If there are multiple uses, applicants must label which parking spaces are dedicated to each use. Even if the applicant is leasing parking spaces, all other parking spaces that are leased to other uses must be shown. Required parking may not be taken away from required parking from any other uses. Parking spaces should measure 9' x 18' for a standard space, 25% of parking spaces may be compact 8' x 16' spaces (except for uses that do not have parking lots). For business or manufacturing districts, applicants may also provide proof of a five-year parking lease on-site or off-site (must be within 1,000 square feet of use). Parking cannot be located in required front yard and exterior side yard setbacks.
- Location and dimensions of required loading spaces for entire site, if applicable.
- Existing and proposed driveways, entrances, exits, circulation, alleys, paths, access aisles (access aisles must be 24' wide for two-way traffic or 12' wide for one-way traffic), and drive-through lanes.
- Include a parking table with a breakdown of existing parking spaces, proposed parking spaces, required number of parking spaces (by different use), required handicap accessible spaces, including one van space per every eight accessible parking spaces with an 8-foot access aisle (for parking lots over 15 spaces). Please note: proposed developments may not reduce the number of required off-street parking spaces for adjoining lots in such a way as to make lots once held in common ownership or currently held in common ownership nonconforming.
- Required five-foot landscaped buffer where parking, work or service areas of a proposed project abut a street, public park, or residential property (except 1, 2, 3 families). Trees should be the main element in landscape screening and should be planted 20-25 feet on center.
- Location, height, dimensions, type, and distance from lot lines of any existing or proposed signs.
- Proposed outdoor seating, proposed ATM machines, utility boxes, other design features, etc.
- Proposed multi-family dwellings should show proposed usable open / recreation space (at least 10% of lot).
- Location of dumpsters and snow storage (snow storage cannot be located in the 5-foot parking buffer).
- Height and location of existing and proposed signs.
- Location and type of existing and proposed lighting fixtures.
- Location and species of any trees over 9 inches in diameter that are proposed to be removed as part of the development.
- Provide any information regarding proposed low-impact or sustainable design (i.e., green roofs, permeable pavement, rainwater gardens, ecological landscaping, passive solar design, etc.)

**\*\*ALL APPLICATION DEADLINES ARE 2:00 P.M. UNLESS OTHERWISE SPECIFIED\*\***  
**APPLICANTS ARE ENCOURAGED TO FILE BEFORE THE DEADLINE DATE WHENEVER POSSIBLE**

**VARIANCE AND/OR SPECIAL PERMIT: NEXT STEPS AFTER APPROVAL**

*The City of Worcester, by this document, does not provide legal advice. Questions about Variances and Special Permits should be directed to your legal counsel.*

**1) Obtain a CERTIFIED COPY of the approved DECISION from the Worcester CITY CLERK's office:**

Notice of the decision is distributed to the applicant and abutters, and will contain the date of filing with the City Clerk. After the 20 day appeal period (beginning the date the decision was first filed with the City Clerk's office) has expired, the applicant may obtain a certified copy of the approved decision from the City Clerk. *Note: The certified decision will state if an appeal was filed against the project.*

City Clerk

City Hall (455 Main Street), Room 206 (2<sup>nd</sup> Floor), Worcester, MA 01608

Hours: Monday 8:45am - 5:00pm; Tuesday - Friday 8:45am - 4:15pm; Closed on State or Federal Holidays  
508-799-1121 or [clerk@worcesterma.gov](mailto:clerk@worcesterma.gov)

**2) RECORD the CERTIFIED COPY of the approved DECISION at the REGISTRY OF DEEDS (prior to use):**

Provided there has been no appeal, you must bring the certified copy of the decision to the Worcester District Registry of Deeds and have the decision recorded against the property's title/deed for the decision to be valid.

Worcester District Registry of Deeds

90 Front Street, Suite C201, Worcester, MA 01608

Recording Hours: Monday – Friday 9 am to 4 pm; Closed on State or Federal Holidays  
508-368-7000 or <https://massrods.com/worcester/>

**Note: Your Decision MUST BE RECORDED PRIOR TO USE of any approved Variance(s)/Special Permit(s)**

**3) Satisfy any CONDITIONS of approval, if applicable:**

If your petition is approved with conditions requiring revised plans or supplemental information, all final revised plans and associated information must be received and approved by the Division of Planning and Regulatory Services prior to issuance of a building and/or occupancy permit. Conditions of Approval may additionally require submission of documentation during or after completion of construction. **It is the applicant/owner's responsibility to be aware of the conditions of approval ensure they comply with the conditions to avoid delays in issuance of permits and/or enforcement actions for non-compliance.**

If you are unsure of the conditions of your application's approval, please contact the Planning and Regulatory Services Division for clarification. These are included in the decision (generally toward the end of the document before the signature page).

**4) Begin USE/CONSTRUCTION as permitted by the Decision ONLY AFTER Receipt of appropriate Permits from Other City Departments (Inspectional Services, Dept. of Public Works & Parks, etc.).**

## **When Will My Permit EXPIRE?**

**Variance(s):** Per Massachusetts General Law, Ch. 40A, §10 and the City of Worcester Zoning Ordinance, Article II, §9.D.7, if the rights authorized by a variance are valid for one (1) year from the date the decision was filed with the City Clerk. One year after filing of the decision with the City Clerk the Variance will expire unless it has been acted/relied upon (e.g. building permit submitted, construction commenced, etc.). Questions about permit validity and what constitutes "action" in a particular case should be directed to the Zoning Coordinator at the Department of Inspectional Services at [inspections@worcesterma.gov](mailto:inspections@worcesterma.gov) or 508-799-1714.

**Special Permit(s):** Per Massachusetts General Law, Ch. 40A, § 11 and the City of Worcester Zoning Ordinance, Article II, §9.D.5., if the activity authorized by a special permit is not *initiated* within one (1) year from the date the decision was filed with the City Clerk and/or if the activity is not completed within two (2) years, then the special permit shall expire. Questions about permit validity and what constitutes "initiation" in a particular case should be directed to the Zoning Coordinator at the Department of Inspectional Services at [inspections@worcesterma.gov](mailto:inspections@worcesterma.gov) or 508-799-1714.

## **HOW DO I EXTEND the Rights Granted by MY VARIANCE OR SPECIAL PERMIT?**

**Variance(s):** One may apply for an **Extension of Time** for an approved Variance which has not been acted upon and will otherwise expire. An **Extension of Time application must be filed** with the Zoning Board of Appeals via the Division of Planning and Regulatory Services **within one year of the date of final action (date of filing with the City Clerk)**. The Zoning Board may extend the rights of the Variance for a maximum of six (6) months upon the filing of an extension request (new notice to abutters, public hearing, and decision by the Board). *Note: If an approval has expired it cannot later be extended, it must instead be newly considered.*

Applications for an Extension of Time for a Variance granted by the Zoning Board and is available here: <http://www.worcesterma.gov/uploads/a7/5f/a75fb84dee847240bf7cfc61eb36b136/variance-extension.pdf>

**Special Permit(s):** If the activity authorized by a special permit granted by the Zoning Board of Appeals or the Planning Board is not *initiated* within one (1) year from the date of final action (the date the decision was filed with the City Clerk), the Building Commissioner (**Inspectional Services Department**) may determine that the failure to complete was for "good cause," allowing administrative extension for a second year. If the **activity has not been initiated** within this time frame, then an **Application for an Extension of Time** for a Special Permit granted by the Zoning Board is required (new notice to abutters, public hearing, and decision by the Board).

Applications for an Extension of Time for a Special Permit granted by the Zoning Board and is available here: <http://www.worcesterma.gov/uploads/34/94/349466afe00ea0d3e33a7deb767a61f2/sp-extension-zba.pdf>

## **What Happens if My Permit EXPIRES?**

**Expired Permits:** After expiration, a special permit(s) or variance(s) may only be re-established through submission of a new filing to Zoning Board of Appeals via the Division of Planning and Regulatory Services. *Note: a new filing consists of the same process as the original application filing (i.e. notification to abutters, a public hearing, and the Board reconsidering said relief, pursuant to the Ordinance).*

**New Filings:** Copies of the most current Special Permit and Variance Applications are available here: <http://www.worcesterma.gov/planning-regulatory/boards>

## **Other Resources:**

- The City of Worcester Zoning Ordinance and Worcester Zoning Map are available online at <http://www.worcesterma.gov/city-clerk/ordinances-regulations/>
- For specific questions related to an approved application, please contact the **Division of Planning and Regulatory Services** (Monday through Friday 8:30 a.m. to 5:00 p.m.). Please have a copy of the approved Decision.