



VARIANCE & SPECIAL PERMIT 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.

Lot Area		Front Yard Setback		Rear Yard Setback	
Square footage required:		Setback required:		Setback required:	
Square footage provided:		Setback provided:		Setback provided:	
Relief requested:		Relief requested:		Relief requested:	
Frontage		Side Yard Setback		Exterior Side Yard Setback	
Frontage required:		Setback required:		Setback required:	
Frontage provided:		Setback provided:		Setback provided:	
Relief requested:		Relief requested:		Relief requested:	
Off-street Parking/Loading		Height		Accessory Structure 5-foot Setback	
Parking required:	118 to 125	Height permitted:		Type of structure:	
Parking provided:	72	Height provided:		Square footage of structure:	
Relief requested:	53	Relief requested:		Relief requested:	
Loading required:		Other Variances			
Loading provided:		Relief requested:			
Relief requested:		Zoning Ordinance Article & Section:			
Signs		Requirement:			
Area permitted:		Provided:			
Area provided:		Indicate if Variances are being requested for more than one structure or more than one lot. Only complete the sections which pertain to the Variances (s) you are applying for.			
Relief requested:					
Height permitted:					
Height provided:					
Relief requested:					
Setback permitted:					
Setback provided:					
Relief requested:					

TYPE OF SPECIAL PERMIT (check the Special Permit you are requesting and describe what you are requesting)

1. Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure and/ or Use (Article XVI, Section 4)
2. Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)
3. Non-Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)
4. Non-Accessory Sign (Article IV, Section 6)
5. Residential Conversion (Article IV, Section 9)
6. Placement of Fill/Earth Excavation (Article IV, Section 5)
7. Modification of Parking/Loading Requirements (Article IV, Section 7)
8. Modification of Landscaping Requirements for Parking/Loading (Article IV, Section 7)
9. Other Special Permit (Describe Special Permit sought):

1. Assessor's **ADDRESS OF SUBJECT PROPERTY:** 44 Grafton Street and 102 Temple Street
(List property subject to the application and include any lot numbers. Please note: The street number may be different than the Assessor's address).

2. Is this property known by any other address: No

3. **OWNER OF RECORD:** Jaffee Realty, LLC
(The owner of record is the person or entity who owns title to the property as of today's date)

4. Address (es) of owner of record is /are c/o One Mercantile Street, Suite 540, Worcester, MA 01608

5. Worcester District Registry of Deeds (WDRD) Book(s) 22692, Page(s) 199
61921, Page(s) 232
(List Book and Page number of deed filed for the subject property as recorded at the WDRD)

6. City of Worcester Assessor's Office Map 04 Block 16 Lot 11+16 and 00015
(List MBL number for the subject property as listed at Assessor's Office)

7. **NAME OF APPLICANT(S):** AKROS Development, LLC

8. Address of Applicant: 420 West Broadway, Unit 503, Boston, MA 02127

9. Telephone: 508-926-3464

10. Email: jsmith@bowditch.com

11. Check if you are an: owner (s) , lessee (s) , optionee (s) (If you are not the owner of the subject property and are a lessee or optionee, it is recommended that you provide supporting information such as a lease or a purchase and sale agreement that shows your interest in the property.)

12. Zoning district(s) of the property (Indicate if more than one zoning district and any zoning overlay districts):

BG-3.0; CCOD-C; USOD; DSOD

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

Approximately 6,672 square foot vacant commercial building. Formerly operated as a retail meat market known as Fairway Beef, which closed in the Summer of 2021 before the property was listed for sale.

14. The applicant seeks to (Describe what you want to do on the property in as much detail as possible):

AKROS is seeking the grant of a special permit and variance from the City of Worcester Zoning Board of Appeals in connection with the construction and development of a new 9-story approximately 90,000 square foot mixed-use multifamily high rise building that will contain 105 units in 8 levels atop a ground level that will contain approximately 1,000 square feet of commercial space, a lobby and parking area. A total of 72 parking spaces will be provided within the ground level of the new building, including a state-of-the-art 68-space three-level semi-automated puzzle stacker parking system (2 high, 1 deep/below grade) and 4 surface parking spaces. The project also includes the construction and/or installation of related site improvements at the property, including, but not limited to, new driveways and accessible walkways, sidewalks and ramps, landscaping, curb cuts (along both streets), open space amenity areas (including a roof deck, balconies and other areas), public art/mural space, electric vehicle charging stations, bicycle storage areas, rooftop solar panels, utilities and other site features. The existing commercial building will be razed to accommodate the project.

15. Such a use is permitted only by the City of Worcester Zoning Ordinance under Article (Insert Article, Section (s) of the Zoning Ordinance which permits the proposed used of the property):

Article IV, Table 4.1 and Article IX, Section 5.A - Multi-family dwelling, high rise and food service uses are permitted by right in the BG-3.0 district and CCOD-C.

16. 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):

Unknown.

17. 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)? If so, explain:

No.

18. List any additional information relevant to the Variance (s) and Special Permit (s):

See Statement in Support.

VARIANCE FINDINGS OF FACT

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

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

See Statement in Support.

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:

See Statement in Support.

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:

See Statement in Support.

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:

See Statement in Support.

SPECIAL PERMIT FINDINGS OF FACT

In the spaces below 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)(2) of the Zoning Ordinance. (Attach additional supporting documentation as necessary.)

1. Social, economic or community needs that are served by the proposal:

See Statement in Support.

2. Traffic flow and safety, including access, parking and loading areas:

See Statement in Support.

3. Adequacy of utilities and other public services:

See Statement in Support.

4. Neighborhood character and social structure:

See Statement in Support.

5. Impacts on the natural environment:

See Statement in Support.

6. Potential fiscal impact, including city services needed, tax base, and employment:

See Statement in Support.

WHEREFORE, the applicant(s) requests that this Board grant the special permit (s) as requested above.

AKROS Development, LLC
By: [Signature]
(Signature of Applicant or Applicant's Agent)

If more than one applicant, all applicants must fill out information.

AKROS Development, LLC (Zachary Kiritsy, Managing Member)
(Name of Applicant)

420 West Broadway, Unit 503, Boston, MA 02127
(Address)

508-926-3464
(Contact Phone Number)

jsmith@bowditch.com
(Email)

8/5/2022
(Date)

Jaffee Realty, LLC
By: [Signature]
(Signature of Property Owner or Owner's Agent)

If more than one property owner, all owners must fill out information.

Jaffee Realty, LLC
(Name of Property Owner)

c/o One Mercantile Street, Suite 540, Worcester, MA 01608
(Address)

508-755-4300
(Contact Phone Number)

rneters@petersandsowyrda.com
(Email)

8/4/2022
(Date)

SUPPLEMENTARY QUESTIONS FOR SPECIAL PERMITS ONLY

Complete the requested information for the Special Permit requested. Attach additional documentation as necessary. Only complete the sections which pertain to the Special Permit (s) you are applying for.

**Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure
(Article XVI, Section 4)**

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities)
2. Indicate how long the nonconforming aspects of the structure have been in existence:
3. At the time of construction, did the structure meet applicable zoning requirements? (Check with the zoning ordinance, as amended, that would have been in effect at the time of construction. Past zoning ordinances are available for research at the City Clerk's office. Past zoning maps are available at the Division of Planning and Regulatory Services)
4. Describe the proposed extension, alteration or change and the total square footage of any physical expansion:

5. Explain how the extension, alteration, or change itself complies with the current Ordinance requirements:

6. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed: Note: In residential districts, the structure as extended, altered or changed shall meet the off-street parking requirements of the zoning ordinance.

7. Explain how the structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

**Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Use
(Article XVI, Section 4)**

1. Describe what is currently nonconforming about this use:

2. Indicate how long the nonconforming use has been in existence? What year did the use begin? (Check with the zoning ordinance, as amended, that would have been in effect at the time of construction. Past zoning ordinances are available for research at the City Clerk's office. Past zoning maps are available at the Division of Planning and Regulatory Services)

3. At the time the use was initiated, was the use allowed under the then applicable Zoning Ordinance?

4. Describe the proposed extension, alteration or change of use and the total square footage to be utilized for the use:

5. Explain how the extension, alteration, or change itself complies with the current Ordinance requirements:

6. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed: Note: In residential districts, the use as extended, altered or changed shall meet the off-street parking requirements of the zoning ordinance.

7. Explain how the use as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing use:

10. For a proposed non-accessory parking lot or a motor vehicle display lot, provide additional documentation showing compliance with Article IV, Section 7B.

**Non-Accessory Sign
(Article IV, Section 6)**

1. Square footage, length and width of proposed sign, and height of total structure:

2. Distance of proposed sign from other non-accessory signs along each side of a street.

3. Indicate on the submitted plan the type and style of sign, exact location, etc.

**Residential Conversion
(Article IV, Section 9)**

1. Total number of existing units/Total number of proposed units:

2. Will the external appearance of the structure remain unchanged except for new doors, windows, fire escapes, and stairways?

3. Number of off-street parking spaces to be provided (If new parking is being created, the applicant(s) may need to seek a Special Permit for extension, alteration or change of a pre-existing, nonconforming structure if existing structure does not meet current zoning dimensional requirements. If additional parking cannot be provided for new dwelling unit(s), the proposed conversion may also require a Variance or Special Permit from off-street parking requirements):

4. Which dimensional requirements/setbacks are you seeking relief by the Special Permit?

**Placement of Fill/Earth Excavation
(Article IV, Section 5)**

1. Indicate whether the Special Permit is for Placement of Fill or Earth Excavation:
2. Attach documentation showing proposed measures to protect pedestrians and vehicles.
3. Provide a proposed timeline for completion of placement of fill.
4. Attach documentation from the Director of Public Health and the Conservation Commission as outlined in the City of Worcester Zoning Ordinance Article IV, Section 5.
5. Attach a site plan with all required information in support of the application per the City of Worcester Zoning Ordinance Article IV, Section 5.

**Modification of Parking/Loading Requirements
(Article IV, Section 7)**

1. Indicate what relief is being sought under the Special Permit:
Noncompliance with minimum loading space requirement (2 required). One noncompliant loading space will be provided.

2. If applicable, indicate locations, square footages, and dimensions of relief sought under the Special Permit:
One 11' x 27' loading space will be provided along Temple Street to the west of the new building.

2. If applicable, provide number of parking/loading spaces required and relief requested through the Special Permit:
See items 1 and 2 above.

Other Special Permits

1. Describe Special Permit sought and provide relevant details on the plan of land and rendering. Provide square footage and height of any structures and indicate percentage of lot structure will occupy:

CERTIFICATION OF COMPLIANCE WITH WORCESTER REVISED ORDINANCES GOVERNING REVENUE COLLECTION

***Note: This form must be completed and signed by both the applicant(s) and owner(s) of the property certifying payment of all local taxes, fees, assessments, betterments, or any other municipal charges of any kind. Failure to include a fully completed certification form with the application shall result in the application being deemed incomplete and ineligible for further processing by the Zoning Board of Appeals.**

Pursuant to Massachusetts General Law, Chapter 40, Section 57 and the City of Worcester General Revised Ordinance, Chapter 11, Section 26-28, the undersigned applicant and all parties having an ownership interest therein, hereby certify, under the pains and penalties of perjury, that the applicant(s) and owner(s) have complied with the laws of the Commonwealth of Massachusetts and the City of Worcester regarding payment of all local taxes, fees, assessments, betterments or any other municipal charges of any kind.

(Give first and last names in full. In case of a corporation give names of President, Treasurer and Manager; and in case of firms, give names of individual members.)

(1) If a Proprietorship or Single Owner of residential property:

Name of Owner _____

Business Address _____

Home Address _____

Business Phone _____ Home Phone _____

Signature of owner (certifying payment of all municipal charges):

_____ Date: _____

(2) If a Partnership or Multiple Owners of residential property:

Full names and address of all partners

Printed Names

Addresses

Business Address _____

Business Phone _____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

(3) If a Corporation:

Full Legal Name Jaffee Realty, LLC

State of Incorporation MA

Principal Places of Business 2 Hanna Drive, Auburn, MA 01501

Place of Business in Massachusetts _____

Printed Names of Officers of Corporation: _____ Title

John J. Sigel _____ Manager

Owners of Corporation:

Printed Names _____ Address _____ % of stock _____

John J. Sigel 2 Hanna Drive, Auburn, MA 01501

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary) Jaffee Realty, LLC

By: [Signature] Date: 8/4/2022

_____ Date: _____

_____ Date: _____

_____ Date: _____

(4) If a Trust:

Name of Trust _____

Business Address _____

Printed Names of Trustees: _____ Address _____

Printed Names of Beneficiaries: _____ Address _____

Signature of trustees of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

(5) Signature of Applicant (if different from owner, certifying payment of all municipal charges):

Printed Name of Applicant: AKROS Development, LLC

AKROS Development, LLC

Signature of Applicant: By: [Signature] Date: 8/5/2022

(Zachary Kivity,
Managing Member)

CERTIFICATION OF COMPLIANCE WITH WORCESTER REVISED ORDINANCES GOVERNING REVENUE COLLECTION

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Pursuant to Massachusetts General Law, Chapter 40, Section 57 and the City of Worcester General Revised Ordinance, Chapter 11, Section 26-28, the undersigned applicant and all parties having an ownership interest therein, hereby certify, under the pains and penalties of perjury, that the applicant(s) and owner(s) have complied with the laws of the Commonwealth of Massachusetts and the City of Worcester regarding payment of all local taxes, fees, assessments, betterments or any other municipal charges of any kind.

(Give first and last names in full. In case of a corporation give names of President, Treasurer and Manager; and in case of firms, give names of individual members.)

(1) If a Proprietorship or Single Owner of residential property:

Name of Owner _____

Business Address _____

Home Address _____

Business Phone _____ Home Phone _____

Signature of owner (certifying payment of all municipal charges):

_____ Date: _____

(2) If a Partnership or Multiple Owners of residential property:

Full names and address of all partners

Printed Names

Addresses

Business Address _____

Business Phone _____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____ Date: _____
_____ Date: _____
_____ Date: _____
_____ Date: _____

(3) If a Corporation:

Full Legal Name 102 Temple Street, LLC

State of Incorporation DE

Principal Places of Business 20 Franklin Street, Suite 402, Worcester, MA 01608

Place of Business in Massachusetts _____

Printed Names of Officers of Corporation:	Title
_____	_____
_____	_____
_____	_____
_____	_____

Owners of Corporation: Printed Names	Address	% of stock
<u>102 Temple Street Manager, LLC</u>	<u>20 Franklin Street, Suite 402,</u>	<u>100%</u>
_____	<u>Worcester, MA 01608</u>	_____
_____	_____	_____
_____	_____	_____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary) 102 Temple Street, LLC

By: <u><i>Z. Kiritsy</i></u>	Date: <u>2/16/2024</u>
<u>Zachary A. Kiritsy, Its Authorized Signatory</u>	Date: _____
_____	Date: _____
_____	Date: _____

(4) If a Trust:

Name of Trust _____

Business Address _____

Printed Names of Trustees:	Address
_____	_____
_____	_____
_____	_____
_____	_____

Printed Names of Beneficiaries:	Address
_____	_____
_____	_____
_____	_____
_____	_____

Signature of trustees of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____	Date: _____
_____	Date: _____
_____	Date: _____
_____	Date: _____

(5) Signature of Applicant (if different from owner, certifying payment of all municipal charges):

Printed Name of Applicant: 102 Temple Street, LLC

Signature of Applicant: <u>102 Temple Street, LLC</u>	By: <u><i>Z. Kiritsy</i></u>	Date: <u>2/16/2024</u>
	<u>Zachary A. Kiritsy, Its Authorized Signatory</u>	