

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER**

**December 15, 2014
WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER**

Zoning Board Members Present: Vadim Michajlow, Vice-Chair
George Valeri
Joseph Wanat
Robert Haddon

Zoning Board Members Absent: Lawrence Abramoff, Chair
Timothy Loew

Staff Present: Domenica Tatasciore, Division of Planning and Regulatory Services
David Horne, Inspectional Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Vadim Michajlow called the meeting to order at 5:30 PM.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS**

1. 15 Melville Street (MBL 09-020-09+10) (ZB-2014-044)

Existing 15 Melville Street Two-Family Structure & Accessory Structure:

- Variance: For relief of 1,400 SF from the 8,000 SF lot area requirement for a two-family dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)
- Variance: For relief of 10 ft. from the 70 ft. frontage requirement for a two-family dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)
- Variance: For relief of 4 ft. from the 5 ft. accessory structure side yard setback requirement (Article IV, Section 8.B.10.)
- Variance: For relief of 2.5 ft. from the 5 ft. accessory structure rear yard setback requirement (Article IV, Section 8.B.10.)

Proposed 15 Melville Street - Lot 2A:

- Variance: For relief of 700 SF from the 4,000 SF lot area requirement for a single-family semi-detached dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)
- Variance: For relief of 5 ft. from the 35 ft. frontage requirement for a single-family semi-detached dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)

Proposed 15 Melville Street - Lot 2B:

- Variance: For relief of 700 SF from the 4,000 SF lot area requirement for a single-family semi-detached dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 5 ft. from the 35 ft. frontage requirement for a single-family semi-detached dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)

Petitioner: Gold Star Builders, Inc

Present Use: A two-family detached dwelling, a detached accessory barn, and associated off street parking

Zone Designation: RL-7 (Residence, Limited) zone

Petition Purpose: To construct a single-family semi-detached dwelling (duplex) and associated off-street parking on the easterly portion of the existing lot and to later subdivide the existing parcel into three lots: 15 Melville Street, Lot 2A, & Lot 2B. The petitioner is seeking the above relief from the area, frontage, and setback requirements in order to construct the duplex

Constructive Grant Deadline: 12/25/2014; 1/13/15

Ms. Tatasciore stated that the applicant requested continuation to January 12, 2015 with an extension of the Constructive Grant Deadline to February 20, 2015.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted 4-0 to grant the request for continuation to January 12, 2015 with an extension of the Constructive Grant Deadline to February 20, 2015.

2. 26 Lenox Street (MBL 11-021-00005) (ZB-2014-049)

Variance: For relief of 4 ft. from the 5 ft. side-yard setback requirement for an accessory structure in an RS-10 (Residence, Single-family) zoning district (Article IV, Section 8)

Petitioners: Kristen Billiar

Present Use: A single-family detached dwelling

Zone Designation: RS-10 (Residential, Single-family)

Petition Purpose: To construct a 22 ft. by 22 ft. two-car detached garage

Public Hearing Deadline: 12/26/14; Constructive Grant Deadline: 1/29/15

Ms. Tatasciore stated that the applicant requested postponement to January 12, 2015 with an extension of the Constructive Grant Deadline to February 3, 2015.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted 4-0 to grant the request for postponement to January 12, 2015 with an extension of the Constructive Grant Deadline to February 3, 2015.

3. 2 Northboro Street (aka 298 Plantation Street) (ZB-2014-052)

Variance: Relief of 0.12:1 Floor to Area Ratio (FAR) from the 0.5:1 FAR dimensional maximum in the RL-7 zone

Variance: Relief of 20' from the front yard setback dimensional requirement of 20'

Variance: Relief of 15' from the exterior side yard setback dimensional requirement of 15'

Petitioner: Rodney Haddad

Present Use: A ~2,979 SF structure previously used as a dry-cleaning establishment with ~10 associated off-street parking spaces

Zone Designation: RL-7 (Residence, Limited)

Petition Purpose: The petitioner seeks to construct a ~2,979 SF second story addition to allow for expansion of a previously approved restaurant use. The existing structure is non-conforming with regards to the required front-yard setback (20 ft. required, 0 ft. provided) and exterior side-yard setback (15 ft. required, 0 ft. provided).

Public Hearing Deadline: 1/11/2015; Constructive Grant Deadline: 2/15/2015

Ms. Tatasciore stated that the applicant requested postponement to January 12, 2015.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted 4-0 to grant the request for postponement to January 12, 2015.

NEW BUSINESS

4. 0 (aka 10 A & B) Clapp Street (ZB-2014-053)

Lot 10 A:

Variance: For relief of 7 ft. from the 30 ft. frontage requirement in a RG-5 (Residence, General) zone (Article IV, Section 4, Table 4.2)

Lot 10 B:

Variance: For relief of 7 ft. from the 30 ft. frontage requirement in a RG-5 (Residence, General) zone (Article IV, Section 4, Table 4.2)

Petitioner: Van K. Nguyen

Present Use: A vacant lot

Zone Designation: RG-5 (Residence, General) zone

Petition Purpose: To construct a single-family semi-detached dwelling (duplex) with associated off-street parking.

Public Hearing Deadline: 1/14/2015; Constructive Grant Deadline: 2/18/2015

Don O'Neil, attorney for applicant Van Nguyen, stated that the proposal is a variance for frontage in order to create two lots in order to construct a duplex. He stated that the lot was created in 1890 as part of a subdivision and is similar in size to other lots in the vicinity. He stated that the proposal is compliant with all other requirements of the Zoning Ordinance.

Mr. Michajlow asked if the plan was revised. Mr. O'Neil stated that the plans in front of the Board were submitted on Friday, December 12, 2014 after revisions were made in accordance with staff comments.

Mr. O'Neil stated that the proposed use is in character with the neighborhood and would allow the owner to sell the units separately if desired, making them affordable as a duplex versus a two-family. He stated the owner has not decided if the units will be for rental or for sale.

Ms. Tatasciore summarized the project and stated that staff concerns have been addressed in the revised plans and noted that 83% of the neighborhood is non-compliant regarding frontage. She stated that the applicant should request a waiver of the requirement to label abutters within 300 ft. and noted that she suggested the following conditions of approval:

1. That the structure be constructed in substantial accordance with the final approved plot plan submitted on file with the Division of Planning and Regulatory Services and in compliance with all governmental codes.

Mr. O'Neil requested a waiver for the requirement to label abutters within 300 ft. on the plan.

Mr. Michajlow stated that the proposal seemed to be in character with the neighborhood and that the petition would meet the hardship criteria.

Mr. Wanat asked if there was a structure on the property that needs to come down. Mr. O'Neil stated that the structure is not on the premises and may be due to the gap in time from the survey. Ms. Tatasciore clarified that the parcel was vacant when staff conducted a site visit.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Valeri, the Board voted 4-0 to approve two Variances (one for each lot – 10 A & 10 B) for relief of 7 ft. from the 30 ft. frontage requirement in a RG-5 (Residence, General) zone with the following conditions:

1. That the structure be constructed in substantial accordance with the final approved plot plan submitted on file with the Division of Planning and Regulatory Services and in compliance with all governmental codes.

Waivers:

The Board approved a waiver for labeling all abutters and abutters thereto within 300 ft. on the plan.

List of Exhibits:

- Exhibit A: 10A & 10B Clapp Street – Variance Application; received November 10, 2014; prepared by Applicant's attorney, Donald O'Neil.
- Exhibit B: Lots on Colton and Clapp Streets - Plan; dated April 1, 1890; prepared by Harry B. Wilder.
- Exhibit C: Plan for Variance – 10 Clapp Street; dated November 6, 2014; prepared by B&R Survey, Inc.
- Exhibit D: Renderings, Elevations & Floor Plans; dated May 15, 2008; prepared by Excel Homes.

OTHER BUSINESS

5. Approval of Minutes

Upon a motion by Mr. Wanat and seconded by Mr. Valeri the Board voted to approve the meeting minutes for September 22, 2014, October 20, 2014, and November 10, 2014.

6. Communications – None

7. Signing of Decisions from prior meetings

The Board signed the following decisions:

- 6 Pullman Street (SP)
- 33 Clearview Street (V)

ADJOURNMENT

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted 4-0 to adjourn the meeting at 5:47 p.m.