

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
April 11, 2005**

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

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

Thomas Hannigan opened the meeting at 5:30 P.M. The following actions were taken:

64 Fruit Street – Administrative Appeal: Upon a motion duly made by Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to approve requested Leave to Withdraw Without Prejudice in regard to submitted Administrative Appeal (*to overturn enforcement order of the Director of Code Enforcement to cease and desist operation of a lodging house in a RG-5 zoning district*).

66 Fruit Street – Administrative Appeal: Upon a motion duly made and seconded, the Board voted 5-0 to approve requested Leave to Withdraw Without Prejudice in regard to submitted Administrative Appeal (*to overturn enforcement order of the Director of Code Enforcement to cease and desist operation of a lodging house in a RG-5 zoning district*).

**** 2 Hastings Avenue – Special Permit:** Upon a motion duly made by Lenny Ciuffredo and seconded by John Reynolds, the Board voted 5-0 to continue the requested hearing to May 9, 2005 for Special Permit (*to raze existing structure and construct single-family attached dwellings – 6 units*) as listed below:

Special Permit:

1. To allow single-family attached dwellings in a RL-7 zoning district.

6 Ockway Street – Variance: Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Variance (*to bring existing single-family semi-detached dwelling into compliance with zoning ordinance*) as listed below with the following conditions:

Variance:

1. Relief of two feet from Side Yard setback requirement.

Conditions:

1. Decks to be removed and placed on another side.
2. Petitioner needs to construct a retaining wall on side yard of property.

45 Barclay Street – Variance: Upon a motion duly made by John Reynolds and seconded by Lenny Ciuffredo, the Board voted 5-0 to approve the requested Variance (*to construct a single-family semi-detached dwelling unit*) as listed below:

Variance:

1. Relief of 1,152 square feet from Gross Dimensional requirement.

Note:

1. The Board voted to allow the Petitioner's request to modify his original Variance application.

404 Granite 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 another garage in order to house a boat and antique cars*) as listed below:

Variance:

1. Relief of 12 feet from Article IV, Section 8 (II)(J); accessory structure height requirement.

50 Chino Avenue – Special Permit: Upon a motion duly made and seconded, the Board voted 5-0 to approve the requested Leave to Withdraw Without Prejudice for Special Permit (*to construct a single-family semi-detached dwelling -- duplex*) as listed below:

Special Permit:

1. To allow single-family semi-detached dwelling unit (duplex) in a RS-7 zoning district.

Albemarle Street (Lots 38-40 & 40a) – Special Permit: Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permit (*to construct a single-family semi-detached dwelling – duplex*) with condition as listed below:

Special Permit:

1. To allow a single-family semi-detached dwelling (duplex) in a RS-7 zoning district. (Previously approved on January 11, 1999 and August 14, 2000).

Condition:

1. Roof drainage to be tied into surface drains.

**** 23 Oxford Street – Variance & Special Permits:** Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to continue the requested hearing to May 23, 2005 for Variance and Special Permits (*to convert existing church into dwellings – 7 units*) as listed below:

Variance:

1. Relief of 1 foot 3 ½ inches from Side Yard setback requirement.

Special Permit:

1. Conversion to dwelling units (7).
2. Relief of 240 square feet from landscaping / barrier requirement (reduce 5 feet buffer to 3 feet in width – north boundary).
3. Expansion or change of a non-conforming use.

**** 301 Bridle Path – Variances:** Upon a motion duly made and seconded, the Board voted 5-0 to continue the requested hearing to May 9, 2005 for Variances (*to raze current structure and construct a new single-family dwelling with garage under*) as listed below with the stipulation that the Petitioner gives a rendering to the Board as to why a continuance was requested:

Variances:

1. Relief of 4 feet from Side Yard setback requirement.
2. Relief of 5 feet from Front Yard setback requirement.

712 Pleasant Street – Special Permit: Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permit (*to operate an interior design store in a RL-7 zoning district*) as listed below:

Special Permit:

1. Expansion or change of an existing non-conforming use.

42 Piedmont Street – Variances: Upon a motion duly made and seconded, the Board voted 5-0 to approve the requested Leave to Withdraw Without Prejudice for Variances (*to construct a single-family dwelling*) as listed below:

Variances:

1. Relief of 905 square feet from Gross Dimensional requirement.
2. Relief of 6 feet from Frontage requirement.

35 Houghton Street – Variances: Upon a motion duly made and seconded, the Board voted 5-0 to approve the requested Variances (*to construct a single-family semi-detached dwelling -- duplex*) as listed below:

Variances:

1. Relief of 2 feet (each side) from Side Yard setback requirement.
2. Relief of 8 feet from Frontage requirement.

71 Boston Avenue – Special Permit: Upon a motion duly made and seconded, the Board determined that the Petitioners did not need to file their petition formerly and therefore granted the requested Leave to Withdraw Without Prejudice for Special Permit (*to construct an addition onto pre-existing non-conforming structure*) as listed below:

Special Permit:

1. Expansion or change of a pre-existing non-conforming use/structure.

20 Johnson Street – Variances: Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted (5-0) that the Zoning Board of Appeals was an improper venue for the petition; and, therefore, the Board voted to dismiss said petition which requested Variances (*to raze existing single-family dwelling and construct 6 single-family dwelling units*) as listed below:

Variances:

1. Relief of 4,407 square feet from Gross Dimensional requirement.
2. Relief of 6 feet from Frontage requirement.

**** 256 Stafford Street – Special Permit:** Upon a motion duly made and seconded, the Board voted 5-0 to continue the requested hearing to April 25, 2005 as **242-A Stafford Street** for Special Permit (*to construct a structure to house equipment and ancillary office space*) as listed below:

Special Permit:

1. Expansion or change of a pre-existing non-conforming use to a non-conforming of a similar nature.

26 Chicopee 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 an attached garage to existing single-family dwelling*) as listed below:

Variance:

1. Relief of 8 feet from Exterior Side Yard setback requirement.

20 & 22 Onset Street – Special Permit: Upon a motion duly made by Matthew Armendo and seconded by Lenny Ciuffredo, the Board voted 4-1 to approve the requested Special Permit (*to construct an additional unit onto existing single-family semi-detached dwelling unit*) as listed below with the following conditions:

Special Permit:

1. Construction of one (1) additional unit onto existing structure (single-family semi-detached dwelling unit).

Conditions:

1. Addition of one unit only to be constructed (for a total of three (3) units).
2. Petitioner is to install a six-foot stockade fence on the property between numbers 20A and 20.

OTHER BUSINESS: (0)

Approval of Minutes: Upon a motion duly made and seconded, the Board voted 5-0 to approve the minutes of the March 28, 2005 meeting.

The meeting adjourned at 8:00 p.m.