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.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Front Yard Setback</th>
<th>Rear Yard Setback</th>
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<tbody>
<tr>
<td>Square footage required:</td>
<td>Setback required:</td>
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<tr>
<td>Square footage provided:</td>
<td>Setback provided:</td>
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<td>Relief requested:</td>
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<tr>
<th>Frontage</th>
<th>Side Yard Setback</th>
<th>Exterior Side Yard Setback</th>
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<tr>
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<td>Setback required:</td>
<td>20 Setback required:</td>
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<tr>
<td>Frontage provided:</td>
<td>Setback provided:</td>
<td>9 Setback provided:</td>
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<td>Relief requested:</td>
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<td>11 Relief requested:</td>
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<thead>
<tr>
<th>Off-street Parking/Loading</th>
<th>Height</th>
<th>Accessory Structure 5-foot Setback</th>
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<tbody>
<tr>
<td>Parking required:</td>
<td>Height permitted:</td>
<td>Type of structure:</td>
</tr>
<tr>
<td>Parking provided:</td>
<td>Height provided:</td>
<td>Square footage of structure:</td>
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<tr>
<td>Relief requested:</td>
<td>Relief requested:</td>
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<tr>
<th>Loading required:</th>
<th>Other Variances</th>
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<tr>
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<td>Relief requested:</td>
<td>Zoning Ordinance Article &amp; Section:</td>
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<th>Signs</th>
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<tr>
<td>Area permitted:</td>
<td>Provided:</td>
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<td>Area provided:</td>
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<td>Relief requested:</td>
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<td>Height permitted:</td>
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<td>Relief requested:</td>
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<td>Setback permitted:</td>
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<td>Setback provided:</td>
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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.
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: 4 Lee 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: Marie Nestelbaum 2008 Trust
(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: 370 Main Street Suite 350 Worcester MA 01608

5. Worcester District Registry of Deeds (WDRD) Book(s) 57589, Page(s) 250
(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 11 Block 005 Lot 00005
(List MBL number for the subject property as listed at Assessor's Office)

7. NAME OF APPLICANT(S): Marie Nestelbaum 2008 Trust

8. Address of Applicant: 370 Main Street Suite 350 Worcester MA 01608

9. Telephone: (508) 410-1847

10. Email: davidaness@aol.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): RS-7
13. Describe what is presently located on the property (Use as much detail as possible including all uses and square footage of each use):

Existing two family wood frame structure.

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

Adjust lot lines to free up a portion of the lot area for an additional single family lot proposed for Lee Street shown as Lot 4B on the plan filed herewith. Reconfigured lot will still have 14,950.46 sq. ft. of area and 99.61 feet of frontage.

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 use of the property):

Article XVI. Section 4

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):

Additional land area for proposed lot to make up new lot area taken from the abutting property also owned by the Applicant at 216 Park Ave. The Lee Street property currently has no off street parking and relies upon on street parking. Use as a two family structure predates acquisition of premises by current owner. Date of conversion to two family use is unknown. No changes proposed to the existing structure. House built in 1890 according to Assessor's records. Plan of existing property lines filed herewith.
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:

   In the absence of zoning relief the Petitioner can not make full use of the excess land area available for productive purposes which presents a financial hardship for the property owner connected to the premises.

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 requested side yard setback relief is related to the placement of the existing structure on the lot and the need to meet current frontage and area requirements for the new lot to be established in conformance with current dimensional controls. The excess land area available for additional development is atypical for RS-7 zoned lots previously developed.

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 proposal takes into account the underlying intent of the Zoning Ordinance to provide suitable housing for City residents with sufficient area for the use of residents being available. The new lot to be established is to be used for an allowed by right use for a single family dwelling. The land area remaining for the house at 4 Lee Street is ample and adequate in all respects for said use.

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 requested relief is the minimum required to provide adequate area and frontage for the purposed lot to be established.
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:
   The proposal will allow for the creation of an additional single family dwelling house lot with no added infrastructure costs to the City while still maintaining adequate area for the existing two family dwelling.

2. Traffic flow and safety, including access, parking and loading areas:
   Applicant anticipates no undue traffic impacts or safety concerns. No change to parking for existing two family dwelling proposed.

3. Adequacy of utilities and other public services:
   Existing utilities and other public services are more than adequate for the proposed use.

4. Neighborhood character and social structure:
   No adverse impacts are expected as a result of the additional single family house lot to be established to help meet the need for same.

5. Impacts on the natural environment:
   Minimal impacts to the natural environment expected due to the ability to utilize existing roadways to access the site.

6. Potential fiscal impact, including city services needed, tax base, and employment:
   Proposal will increase the City's tax base, provide construction employment when a house is built on the new lot and will utilize existing roadways for access with no additional maintenance costs by the City to be incurred.
WHEREFORE, the applicant(s) requests that this Board grant the special permit(s) as requested above.

By: [Signature of Applicant or Applicant’s Agent]

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

Marie Nestelbaum 2008 Trust

(Name of Applicant)

370 Main Street Suite 350 Worcester MA

(Address)

(508)410-1847

(Contact Phone Number)

davidaness@aol.com

(Email)

(Date) 5/20/22

By: [Signature of Property Owner or Owner’s Agent]

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

Marie Nestelbaum 2008 Trust

(Name of Property Owner)

370 Main Street Suite 350 Worcester MA

(Address)

(508)410-1847

(Contact Phone Number)

davidaness@aol.com

(Email)

(Date) 5/20/22
Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Use

(Article XVI, Section 4)

1. Describe what is currently nonconforming about this use:
   The structure is nonconforming in that it is a two-family dwelling situated in an RS-7 Zone. The property ample area and frontage.

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)
   The existing house on the property was constructed in 1890 prior to Zoning.

3. At the time the use was initiated, was the use allowed under the then applicable Zoning Ordinance?
   The house on the property is believed to have been built in 1890 and presumably meet zoning requirements, if any, in effect at that time.

4. Describe the proposed extension, alteration or change of use and the total square footage utilized for that use:
   No change to existing structure or current parking arrangements are proposed. Alteration seeks to reduce lot area from 17,990 sq. ft. to approximately 14,950 sq. ft.

5. Explain how the extension, alteration or change itself complies with the current requirements of the Ordinance:
   Lot reconfiguration will result in a new conforming lot while maintaining conforming set backs.

6. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed use: Note:
   In residential districts, the use as extended, altered or changed shall meet the off-street parking requirements of the zoning ordinance.
   No change to existing parking arrangement for two family dwelling proposed.

7. Explain how the use as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing use:
   The lot reconfiguration will still leave substantial area and frontage for the existing structure. No change to the structure or its use are required or proposed.

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Residential Use allowed only by Special Permit in a particular zoning district

(Article IV, Section 2, Table 4.1)

1. Describe the proposed residential use:

2. Total number of dwelling units proposed, number of bedrooms per unit, and square footage of units:

3. Number and dimensions of off-street parking spaces to be provided and location (garage, driveway). Off-street parking spaces must be located outside of the front yard and exterior side yard setbacks.
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: __________________________
(3) If a Corporation:

Full Legal Name
State of Incorporation
Principal Places of Business
Place of Business in Massachusetts
Printed Names of Officers of Corporation: Title

Owners of Corporation:
Printed Names Address % of stock

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

(4) If a Trust:

Name of Trust: Marie Nestelbaum 2008 Trust
Business Address: 370 Main Street Suite 350 Worcester MA 01608
Printed Names of Trustees:
David A. Nestelbaum
I. Ashley Edwards

Printed Names of Beneficiaries:
David A. Nestelbaum
I. Ashley Edwards
Zamir Nestelbaum

Signature of trustees of property (certifying payment of all municipal charges - attach multiple pages if necessary)
Date: 1/10/22 Date: Date: Date:

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

Printed Name of Applicant:
Signature of Applicant: Date:
Certified Abutters List

A list of 'parties in interest' shall be attached to the application form and shall include the names and addresses. All such names and addresses shall be obtained from the most recent applicable tax list maintained by the City’s Assessing Department. The Assessing Department certifies the list of names and addresses.

Total Count: 43

Parcel Address: 11-005-0006 216 PARK AVE
Assessor’s Map-Block-Lot(s): 11-005-0005 4 LEE ST

Owner: NESTELBAUM, MARIE TRUSTEE
Owner Mailing: 16 BEECHING ST
WORCESTER, MA 01602

Petitioner (if other than owner): DONALD J O’NEIL
Petitioner Mailing Address: 688 PLEASANT ST
WORCESTER, MA 01602
Petitioner Phone: 508-755-5655

Planning: ___ Zoning: X Liquor License: ___ ConComm: ___

Historical: ___ Cannabis: ___ Other: ___

11-008-18-25 PINON MAI L + 0014 WESTLAND ST WORCESTER MA 01602
11-005-12-13 WINCHESTER INSURANCE AGENCY INC 1901 FOREST PARK DRIVE AUBURN MA 01501
11-006-00008 ALYA PROPERTIES LLC 482 SOUTHBRIDGE STREET AUBURN MA 01501
11-008-00008 ALLISON JEROAN J + 0015 WESTLAND ST WORCESTER MA 01602
11-005-00008 BOPARO REALTY LLC PO BOX 20734 WORCESTER MA 01602
11-006-0012A 194 PARK AVENUE LLC 0196 CHAPEL ST HOLDEN MA 01520
11-007-00013 SMITH PAULA A + ROBERT L 0026 WESTLAND ST WORCESTER MA 01602
11-007-00010 SANTIAGO MARK + ANDREA 17 WESTLAND STREET WORCESTER MA 01602
11-007-00014 CROFTS STEPHANIE 0024 WESTLAND ST WORCESTER MA 01602
11-005-00007 REYNOLDS RANSOM DOUGLAS + 0016 GIBBON RD WORCESTER MA 01602
11-005-00011 BOPARO REALTY LLC PO BOX 20734 WORCESTER MA 01602
11-008-00017 WILLIAMS STEPHAN P + PAMELA J 22 WESTLAND ST WORCESTER MA 01602
11-005-00002 BOPARO REALTY LLC PO BOX 20734 WORCESTER MA 01602
11-005-00009 BURKE DANIEL W + 0013 LEE ST WORCESTER MA 01602
11-005-00032 CHEN WEI 0019 THOMAS NEWTON DR WESTBOROUGH MA 01581
11-008-00024 BONAZOLI STEPHEN A + GILLIAN H 0020 WESTLAND ST WORCESTER MA 01602
11-008-00009 DEMALLIE GLENN C 0013 WESTLAND ST WORCESTER MA 01602
11-005-00003 LENIS EVELYN TRUSTEE 0010 LEE ST WORCESTER MA 01602
11-005-00010 NICHOLS ELSIE M 11 LEE ST WORCESTER MA 01602
11-005-00004 CABOT ANTONIA R 83 HARVEST CIR HOLDEN MA 01520
This is to certify that the above is a list of abutters to Assessor’s Map-Block-Lots 11-005-00006 & other as cited above.

Certified by: ____________________________
Signature

05/10/2022
Date
Abutters Map
PLAN SHOWING EXISTING PROPERTY LINES
4 LEE STREET/216 PARK AVE.

PLANNING BOARD ENDORESEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH THE ZONING BYLAW. COMPLIANCE WITH ZONING OR OTHER REGULATIONS IS NEITHER EXPRESSED NOR IMPLIED.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED CITY OF WORCESTER PLANNING BOARD.

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

ROBERT D. O'NEIL, JR., RPLS
46 DURRY LANE
WORCESTER, MA 01609
(508) 853-3144

RESERVED FOR REGISTRY OF DEEDS USE ONLY

REFERENCES
Lot Line 2008 No. 2
Lot 11-655-6595 & 90006
W.D.D.D. Dook Book 6792 Page 230
W.D.D.D. Dook Book 334 Page 23
W.D.D.D. Dook Book 883 Page 78
W.D.D.D. Dook Book 1850 Page 653

LANDS & ZONING PLANNING DEPARTMENT
N FOURSQUARE FAMILY
S.R.D./R.
FND, INC.
OAKDALE FAMILY

PLAN OF LAND
IN
WORCESTER, MA
# 4 LEE STREET & # 216 PARK AVENUE
OWNED BY
MARIE NESTELBAUM 2003 TRUST
DATE: DECEMBER 7, 2021 SCALE: 1" = 20'