



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:	25,000 SF	Setback required:		Setback required:	
Square footage provided:	+/-14,175 SF	Setback provided:		Setback provided:	
Relief requested:	+/-10,825 SF	Relief requested:		Relief requested:	
Frontage		Side Yard Setback		Exterior Side Yard Setback	
Frontage required:	110 ft	Setback required:	10 ft	Setback required:	
Frontage provided:	+/- 108.5 ft	Setback provided:	+/- 6.5 ft (Balcony)	Setback provided:	
Relief requested:	+/- 1.5 ft	Relief requested:	+/- 3.5 ft	Relief requested:	
Off-street Parking/Loading		Height		Accessory Structure 5-foot Setback	
Parking required:	20 Spaces	Height permitted:		Type of structure:	
Parking provided:	16 Spaces	Height provided:		Square footage of structure:	
Relief requested:	4 Spaces	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:** 85 Lake Avenue North and 55 Mohican Road
(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: _____

3. **OWNER OF RECORD:** Zayda Vallejo, Trustee of The Monarka Revocable 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 62 Commodore Road, Worcester, MA 01602

5. Worcester District Registry of Deeds (WDRD) Book(s) 54447, Page(s) 161
(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 46 Block 003 Lot 0047A
(List MBL number for the subject property as listed at Assessor's Office) 46-48;

7. **NAME OF APPLICANT(S):** Zayda Vallejo, Trustee of The Monarka Revocable Trust

8. Address of Applicant: 62 Commodore Road, Worcester, MA 01602

9. Telephone: (508) 688-9136

10. Email: mborenstein@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):
Residence, Limited (RL-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):

The property consists of two parcels that total approximately 14,175 square feet of land and are occupied by an existing approximately 3,047 square foot single family detached dwelling building, a driveway and a fenced back yard.

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

The Applicant seeks to demolish the existing single-family detached dwelling building that currently occupies the property and construct a 2+ story multifamily dwelling, low-rise building with 10 dwelling units (6 1 BR and 4 2BR units), 16 parking spaces (14 ground level podium style parking spaces and 2 exterior surface parking spaces), 2 new driveways, new walkways, a new screened dumpster area, a new stormwater management system and other site improvements related thereto.

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 (Residential Use #11) - Multifamily Dwelling, Low Rise is permitted by special permit by Zoning Board of Appeals.

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):

Special Permit was granted by the ZBA for four (4) single-family attached dwelling units in 2015, a copy of the decision is recorded with the Worcester District Registry of Deeds in Book 53793, Page 371.

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):

Please 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:

Please 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:

Please 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:

Please 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:

Please 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:

Please see Statement in Support.

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

Please see Statement in Support.

3. Adequacy of utilities and other public services:

Please see Statement in Support.

4. Neighborhood character and social structure:

Please see Statement in Support.

5. Impacts on the natural environment:

Please see Statement in Support.

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

Please see Statement in Support.

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

By: Zayda Vallejo, Zayda Vallejo, Trustee
(Signature of Applicant or Applicant's Agent)
If more than one applicant, all applicants must fill out information.

Zayda Vallejo, Trustee of The Monarka Revocable Trust
(Name of Applicant)

62 Commodore Road, Worcester, MA 01602
(Address)

(508) 688-9136
(Contact Phone Number)

mborenstein@bowditch.com
(Email)

1/30/2024
(Date)

By: Zayda Vallejo, Zayda Vallejo, Trustee
(Signature of Property Owner or Owner's Agent)
If more than one property owner, all owners must fill out information.

Zayda Vallejo, Trustee of The Monarka Revocable Trust
(Name of Property Owner)

62 Commodore Road, Worcester, MA 01602
(Address)

(508) 688-9136
(Contact Phone Number)

mborenstein@bowditch.com
(Email)

1/30/2024
(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:

**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:

The Applicant seeks to demolish the existing single-family detached dwelling building that currently occupies the property and construct a 2+ story multifamily dwelling, low-rise building with 10 dwelling units (6 1BR and 4 2BR units).

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

10 dwelling units (6 1BR and 4 2BR units) are proposed with a total of 14 bedrooms. Units vary in size from approximately +/- 650 SF up to +/- 1,100 SF.

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.

The Applicant is proposing 14 ground level podium parking spaces (including 1 accessible space and 1 compact space) and 2 exterior surface parking spaces. See plans submitted herewith.

**Non-Residential Use allowed only by Special Permit
(Article IV, Section 2, Table 4.1)**

1. Describe the proposed use (include description of business, proposed hours of operation, and number of employees)

2. Total square footage of proposed use:

3. Number of off-street parking spaces to be provided. Indicate location of those parking spaces: garage, parking lot, parking spaces on a different lot provided through the same ownership and/or leased spaces (a 5-year minimum lease with renewal options must be provided) within 1,000 feet of the use it will serve.

4. For a proposed animal hospital, animal clinic, pet shop or animal shelter, per Article IV, Section 2, Notes to Table 4.1, Note 4, indicate the location of any animal runs if a residential zoning district is within 200 feet of the subject property.

5. For a proposed Bed and Breakfast use, provide additional documentation per Article IV, Section 11.

8. For a proposed Adult Entertainment use, provide additional documentation per Article IV, Section 10.

9. For a proposed Limited Residential Hospice House, provide additional documentation per Article IV, Section 2, Notes to Table 4.1, Note 10.

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:

The Applicant is seeking a special permit pursuant to Article IV, Section 7.A.2 to modify the off-street parking and driveway layout requirements and the landscaping requirements to provide relief from: (i) minimum 15 exterior side boundary setback requirement for parking areas; (ii) allow for two residential driveways where there is insufficient frontage; and (iii) minimum 5 foot landscape buffer between parking areas and boundary lines.

2. If applicable, indicate locations, square footages, and dimensions of relief sought under the Special Permit:

Article IV, Table 4.4, Note 5(b)(i) provides that parking is not permitted within the 15 feet of the exterior side boundary line. The Property is a corner lot within the RL-7 with a exterior side boundary along Mohican Road. The layout of the proposed parking area will result in parking spaces being located within the 15-foot exterior side boundary setback and therefore requires relief by special permit pursuant to Article IV, Section 7.A.2. Article IV, Table 4.4, Note 5(b)(ii) provides that lots with eighty (80) feet of frontage or less shall be limited to one driveway. Lots with more than eighty (80) feet of frontage may have one additional driveway per additional eighty (80) feet of frontage. The lot has 108.5 feet of frontage, which is less than the 160 feet required for two driveways, and therefore the Project's two proposed driveways require relief from this requirement by special permit pursuant to Article IV, Section 7.A.2. Article IV, Table 4.4, Note 5(a)(ii) provides that a minimum of 5-foot landscape buffer area is required from all boundary lines. The southerly exterior surface parking area is separated from the southerly boundary line by a 4.5-foot landscaped buffer area and therefore requires relief from this requirement by special permit pursuant to Article IV, Section 7.A.2.

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

N/A

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:

Please see Statement in Support.

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 _____
 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 The Monarka Revocable Trust
 Business Address 62 Commodore Road, Worcester, MA 01602
 Printed Names of Trustees: _____ Address _____
Zayda Vajello 62 Commodore Road, Worcester, MA 01602

Printed Names of Beneficiaries: _____ Address _____

Signature of trustees of property (certifying payment of all municipal charges -attach multiple pages if necessary)
The Monarka Revocable Trust Date: _____
 By:  _____, Zayda Vajello, Trustee Date: 1/30/2024
 _____ Date: _____
 _____ Date: _____

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

Printed Name of Applicant: Same
 Signature of Applicant: _____ Date: _____