

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

June 20, 2016

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Lawrence Abramoff, Chair
Vadim Michajlow, Vice-Chair
George Valeri
Timothy Loew
Robert Haddon, Alternate Member
Thomas Dillon, Alternate Member

Zoning Board Members Absent: Joseph Wanat

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

Call to Order

Mr. Abramoff called the meeting to order at 5:30 PM.

Approval of the Minutes – Upon a motion by Mr. Valeri, and seconded by Mr. Michajlow, the board voted 5-0 to approve the minutes for May 2, 2016 & May 23, 2016.

New Business

1. 38 & 40 Esther Street (ZB-2016-025)

38 Esther Street

Variance: For relief from the lot area dimensional requirement for a three-family dwelling in an RG-5 Zoning District (Article IV, Section 4, Table 4.2)

Variance: For relief from the exterior side-yard dimensional requirement in an RG-5 Zoning District (Article IV, Section 4, Table 4.2, Note 7)

Variance: For relief of parking spaces from the requirement for a three-family dwelling (Article IV, Section 4, Table 4.4)

40 Esther Street

Variance: For relief from the lot area dimensional requirement for a single-family dwelling in an RG-5 Zoning District (Article IV, Section 4, Table 4.2)

Variance: For relief from the frontage dimensional requirement in an RG-5 Zoning District (Article IV, Section 4, Table 4.2)

Variance: For relief of parking spaces from the requirement for a single-family dwelling (Article IV, Section 4, Table 4.4)

Petitioner: Scudder Bay Capital, LLC

Present Use: Presently located on the premises at 38 Esther Street is an existing three-family dwelling and located at 40 Esther Street was a recently demolished dwelling.

Zone Designation: RG-5 (Residence, General) zoning district

Petition Purpose: The petitioner is seeking a six-month extension of time for the above-listed Variances that were previously approved by the ZBA.

Ms. Tatasciore stated that Attorney Don O'Neil has been the contact for this project but is currently not present at the meeting. Ms. Tatasciore stated that the application is for a 6 month extension of time and the reason per the application is for additional time to transfer the property to the purchaser and to obtain financing.

Attorney O'Neil appeared and re-stated what Ms. Tatasciore had explained regarding the application.

Alternate Robert Haddon was seated to vote for this application.

Upon a motion by Mr. Valeri, and seconded by Mr. Loew, the board voted 5-0 to close the hearing.

Upon a motion by Mr. Michajlow, and seconded by Mr. Valeri, the board voted 5-0 to approve the six-month extension of time to October 27, 2016.

2. 1129 West Boylston Street (ZB-2016-022)

Variance: For relief of the maximum height dimensional requirement for an accessory structure in a residential district (Article IV, Section 8, B.10.).

Petitioner: Peter & Rosamond Schneider

Present Use: Presently on the property is an existing single-family detached dwelling and detached garage.

Zone Designation: RL-7 (Residence, Limited) zone and within the WR (GP-3) (Water Resource Protection) overlay district.

Petition Purpose: The petitioner seeks to demolish the existing detached garage and construct a new garage along with associated grading and site work.

Public Hearing Deadline: 6/24/16

Constructive Grant Deadline: 7/29/16

Peter and Rosamond Schneider presented their application and stated that the current garage is dilapidated and needs to be replaced. The proposed garage to be built in the previous structure's place would exceed the height requirement. The variance is needed to provide for work of personal vehicles without needing to spill out onto the outside of the structure to perform personal work on personal vehicles.

Ms. Tatasciore stated that the proposed garage is a detached structure which must follow the accessory structure height restriction of 15 feet. If the garage were to be attached the height requirement would be 35 feet. Ms. Tatasciore asked the applicant to indicate the proposed square footage, the location of the structure, and personal work performed on vehicles.

Ms. Schneider stated that only personal work on their own vehicles will take place. Ms. Schneider stated that the existing foundation will be removed and replaced; the old foundation is unstable and has cracks.

Ms. Tatasciore suggested conditions of approval including requiring a plot plan stamped by a registered surveyor prior to issuance of a building permit and that the use of the structure be limited to personal use only and not for professional garage use or display lot purposes.

Mr. Abramoff stated the remainder of the suggested conditions of approval noted in the staff review memo.

Mr. Abramoff opened the hearing to public comment.

Janine Kudron-Penny, an abutter, has concerns over obstruction of view and that the building will be facing the same side as the current building.

Mr. Abramoff suggested condition of approval that the proposed building be located substantially in the current location of the building.

Alternate Thomas Dillon was seated to vote for this application.

Upon a motion by Mr. Valeri, and seconded by Mr. Dillon, the board voted 5-0 to close the public hearing.

Upon a motion by Mr. Michajlow, and seconded by Mr. Valeri, the board voted 5-0 to approve the requested waiver to label the abutters and abutters to abutters within 300 feet of the property and to approve the requested Variance for relief of 2.1 feet from the maximum height dimensional requirement for an accessory structure in a residential district with the findings of fact as modified by staff and with conditions of approval as noted in the staff review memo and with additional conditions as follows: that condition #1 be amended to add that six to-scale plans be stamped by a Professional Land Surveyor prior to the issuance of a building permit; that the proposed building be located substantially in the same location as the current garage; and that the structure be used as the sole purposed as a residential garage and not for motor vehicle service repair garage and display purposes.

Other Business

3. Communications

- a. Letter from Patrick Healey, dated May 31, 2016 regarding 1284 Main Street project completion

4. Signing of Decisions from prior meetings

Adjournment

Mr. Abramoff adjourned the meeting at 5:56 p.m.