



**VARIANCE & VARIANCE AMMENDMENT – FINDINGS OF FACT AND DECISION**

**22 Enid Street (MBL 38-012-00134)**

**(ZB-2024-011)**

The Zoning Board of Appeals scheduled a hybrid public hearing on March 4, 2024, at 5:30 PM in the Worcester City Hall, 455 Main Street, Esther Howland Chamber, on the petition of Juliana B. Danquah, seeking zoning relief for property located at 22 Enid Street, Worcester, Massachusetts.

Due notice of the public hearing to be held on March 4, 2024, was sent to the individuals listed on the City of Worcester Certified Abutter's list for the subject property.

On February 19, 2024 & February 26, 2024, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

On March 4, 2024, the hybrid meeting was called to order by Jordan Berg Powers, Vice Chair. Board members physically present for the hearing at Worcester City Hall, 455 Main Street, Esther Howland Chamber were Jordan Berg Powers, George Cortes, Shannon Campaniello, and Nathan Sabo. Board members Anthony Dell'Aera and Eric Torkonoo participated remotely. Board member Russell Karlstad was absent. Remote participation was facilitated for attendees via phone at call-in number, 844-621-3956 (Access Code: 2630 362 4924) and via WebEx link (<https://cityofworchester.webex.com/meet/zoningboardofappealswebex>).

**FINDINGS**

The Worcester Zoning Board of Appeals (ZBA), having conducted a public hearing and reviewed all the submitted evidence, finds that:

1. Juliana B. Danquah, whose address is 21 Blackthorn Drive, Worcester, MA 01609, is the owner and applicant of certain land situated at 22 Enid Street in the City of Worcester, Massachusetts, and is more particularly described in a deed recorded with the Worcester District Registry of Deeds Book 69449, Page 204.
2. Said land is located in a zoning district classified under the City of Worcester Zoning Ordinance as BL-1.0 (Business, Limited) zoning district.
3. Presently on the premises is a single-family detached dwelling currently under construction.
4. The applicant seeks retroactive approval to allow a building overhang and porch in the front yard setback and to amend a variance for the rear yard setback.
5. To **amend the variance** for the rear-yard setback to reduce the amount of relief from 8.4 FT to 7.5 FT (deck) and 4.2 FT to the house.
6. A new **variance** for relief of **2 FT (roof overhang) and 4.5 ft (porch)** from the 10 FT minimum front-yard setback.
7. The following zoning relief is required and is being sought by the applicant:

**Variance:** For relief of **2 FT (20%)** from the minimum 10 FT front-yard setback dimensional requirement in the BL-1.0 (Business, Limited) zoning district (Article IV, Section

4, Table 4.2). The applicant proposes a front-yard setback of 8 FT where 10 FT is required by the Ordinance.

**Amendment to Variance:**

For relief of **7.5 FT (26.6%)** from the minimum 20 FT rear-yard setback dimensional requirement in the BL-1.0 (Business, Limited) zoning district (Article IV, Section 4, Table 4.2). The original Variance granted relief of 8.4 FT for a rear-yard setback of 11.6 FT where 20 FT is required by the Ordinance. The applicant is requesting to amend the relief to 7.5 FT.

**Findings of Fact – Variance:**

8. Per Zoning Ordinance Article II, Section 6(A)(3), the ZBA, as Permit Granting Authority, may grant upon appeal or petition with respect to particular land or structures, a variance from the dimensional terms of the Zoning Ordinance.

a. Describe how a literal enforcement of the provisions of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant:

*Applicant seeks limited relief for building overhang which extends two feet into the front yard setback and the front stairs which exceed the allowed stair encroachment by six inches. In the absence of zoning relief, the building would need to be at least partially demolished at great expense to bring it into compliance and would require the removal of the front facade which would destroy the appearance of the building and result in a substantial financial hardship for the owner.*

b. 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 lot in question is only 56.64 feet deep which makes setback compliance challenging to say the least. In addition, the split-level design of the structure under construction has a built-in overhang on the second story which extends 2 feet beyond the foundation. The size and configuration of the lot and the design of the building thereon represent hardships not generally affecting of lots within the BL-1.0 zone.*

c. 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 Applicant has substantially completed construction of an attractive dwelling the foundation of which meets the front yard setback requirement. The building overhang is an integral element of the architectural design and improves the overall appearance of the structure. The forced removal of the same would seriously compromise the appearance of the building to the detriment of the owner and the neighborhood generally. The requested relief is modest and necessary and may be granted with to detriment to the public good.*

d. 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 cure the overhang and front stair encroachments on the front yard setback.*

## DECISION

At a meeting of the Board on March 4, 2024, and on motion duly made and seconded, it was voted 5-0, with Board members Jordan Berg Powers, George Cortes, Nathan Sabo, Anthony Dell'Aera, and Eric Torkornoo to approve the following requested relief:

- Variance:** For relief of **2 FT** from the minimum 10 FT front-yard setback dimensional requirement in the BL-1.0 (Business, Limited) zoning district (Article IV, Section 4, Table 4.2).
- Amendment to Variance:** For relief of **7.5 FT** from the minimum 20 FT rear-yard setback dimensional requirement in the BL-1.0 (Business, Limited) zoning district (Article IV, Section 4, Table 4.2).

With the following **conditions of approval**:

Perpetual:

1. The dumpster shall be screened with a solid style, non-chain-link, enclosure.
2. The project shall be constructed, and the building shall be used, in substantial accordance with the findings of fact and all final revised plans and documents on file with the City of Worcester and in accordance with all applicable governmental codes.

The Board also voted unanimously to approve **waivers** of the following plan requirements:

1. North arrow.
2. Zoning District.
3. Owners' names of abutting properties.
4. Percentage of the lot covered by principal and accessory buildings.
5. Entrances & exits pertinent to granting of the Special Permit.

This decision shall not take effect until the applicant records, at their own expense, a certified copy thereof with the Worcester District Registry of Deeds, pursuant to Massachusetts General Laws, Chapter 40A, Section 11, as amended.

Appeals of this decision shall be made pursuant to M.G.L. c. 40A § 17 and shall be filed within twenty days after the filing of this decision in the office of the City Clerk. If litigated, all time periods for recording and commencement shall toll and not commence until a final, favorable decision of the Honorable Court is rendered.

It was **ORDERED** by the Board that persons notified of the hearing be notified of the foregoing decision.

The names typed below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9. Duly authorized by Ch. 110G and recorded at Worcester Registry of Deeds in Book 62537, Page 327.

**ADJOURNED**


\_\_\_\_\_  
**JORDAN BERG POWERS**

DATE \_\_\_\_\_

  
\_\_\_\_\_

DATE 3/25/24

**NATHAN SABO**

  
\_\_\_\_\_

DATE 3/25/24

**GEORGE CORTES**

\_\_\_\_\_  
**ERIC TORKORNOO**

DATE \_\_\_\_\_

**ANTHONY DELL'AERA**

DATE \_\_\_\_\_

**REMINDERS**

Special Permit Time Limitations: If the activity authorized by a Special Permit granted by the ZBA is not initiated within one (1) year of the date of grant (one year from date Special Permit is received by the City Clerk) and/or the activity is not completed within two (2) years, then the Special Permit shall lapse unless the Director of Code Enforcement makes a determination that the failure to complete was for good cause. City of Worcester Zoning Ordinance, Article II, Section 9.D.5.

Variance Time Limitations: If the rights authorized by a Variance are not exercised within one (1) year of the date of grant of such Variance they shall lapse. City of Worcester Zoning Ordinance, Article II, Section 9.D.7.

Landscaping Requirements: Required landscaping shall be maintained in a healthy growing condition, free of refuse and debris, and any plantings that do not survive shall be replaced in kind by the applicant or the property owner within a reasonable period of time. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles or snow storage in areas used for screening and buffering. Per Article V, Section 5, C. iv of the City of Worcester Zoning Ordinance.

Construction Noise: No person shall operate any powered construction equipment or build, erect construct, demolish, alter, repair, excavate or engage in hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, or deliver construction equipment and/or supplies to the site on any building, road, tower, parking lot, machine, pipe, sewer, sidewalk, or any other construction project, except between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and Saturday, and between the hours of 9:00 a.m. and 7:00 p.m. on Sundays. Per Chapter 9 Section 1A (e) (9) of the City of Worcester's Ordinance Relative to Excessive and Unreasonable Noise.

MAILED  
26  
MAR 26 PM 4:01  
Worcester City Clerk

City of Worcester, MA

**April 24, 2024**

I certify that twenty days have elapsed after the attached Decision for **22 Enid Street** has been filed with the City Clerk Department as of **March 26, 2024** and that no appeal has been filed.

A handwritten signature in black ink, appearing to read "Stephen AJ Pottle", written over a horizontal line.

Stephen AJ Pottle  
Deputy City Clerk I