

ZONING BOARD OF REVIEW

OCTOBER 20, 2005

DOCKET

14 CASES

Notice is hereby given that the Zoning Board of Review will be in session in the Probate Court Room, fifth floor City Hall, Thursday, October 20, 2005, at 5:00 p.m. and 6:30 p.m., when all persons interested will be heard for or against the granting of the following applications for variances and special use permits under Section 902 of the Zoning Ordinance:

5:00 P.M.

VICTOR MENDEZ: 65-67 Courtland Street (corner Ring St.), Lot 689 on the Tax Assessor's Plat 33 located in a Residential R-3 Zone; to be relieved from Sections 304 and 425.1(A) in the proposed subdivision of lot 689 into two new lots. One lot would consist of 6,543 square feet of land area upon which the existing three-family dwelling would remain at 65-67 Courtland Street. A second lot consisting of 4,010-sq. ft. would be created to the south of the existing three-family dwelling where the applicant proposes to construct a 26' x 50' two-family dwelling. The applicant is requesting a DIMENSIONAL VARIANCE

and seeks relief from regulations governing minimum lot area, minimum lot width & frontage, the side & rear yard setbacks, and canopy coverage (amount of trees). The lot in question contains approximately 10,553-sq. ft. of land area.

LUIS SANTANA: 144-146 & 148 Potters Avenue (corner Burnside St.), Lots 498, 978 & 979 on the Tax Assessor's Plat 48 located in a Residential R-3 Zone; to be relieved from Sections 204.2, 304 and 416.4 in the proposed merger of lots 978 & 979 into one lot upon which a 28' x 40' two-family dwelling would be constructed. No change is proposed for the existing single-family dwelling located on lot 498 (142 Potters Ave.). As per Section 204.2 of the Zoning Ordinance, if two or more contiguous lawfully established substandard lots of record, where one or more of the lots are less than 4,000 square feet and are under the same ownership on or anytime after October 24, 1991, such lots shall be considered to be one lot and undivided for the purpose of the Ordinance. In this instance, all three lots are substandard in size and are recorded under the same ownership. The applicant is requesting a **DIMENSIONAL VARIANCE** in order to retain lot 498 (containing 2,159-sq. ft. of land area) separately and construct a two-family dwelling on the proposed merger of lots 978 (containing 2,039-sq. ft. of land area) and 979 (containing 1,800-sq. ft. of land area).

MARIA PACHECO: 133 Calla Street, Lots 554 & 555 on the Tax Assessor's Plat 59 located in a Residential R-1 Zone; to be relieved

from Section 204.2 in the proposed construction of a 38' x 26' single-family dwelling on lot 555 (133 Calla Street). The existing single-family dwelling on lot 554 (129 Calla St.) will remain unchanged. Each lot contains approximately 3,200 square feet of land area. As per Section 204.2 of the Zoning Ordinance, if two or more contiguous lawfully established substandard lots of record, where one or more of the lots are less than 4,000 square feet and are under the same ownership on or anytime after October 24, 1991, such lots shall be considered one lot and undivided for the purpose of the Ordinance. In this instance, both lots are substandard in size and are recorded under the same ownership. The applicant is requesting a **DIMENSIONAL VARIANCE** in order to retain the lots separately and construct a single-family dwelling on lot 555.

SANTA IADEVAIA: 148 Windmill Street, Lot 47 on the Tax Assessor's Plat 97 located in a Residential R-1 Zone; to be relieved from Section 303-use code 12 in the proposed change in the use of the building from a one-family to a two-family dwelling. The applicant is requesting a **USE VARIANCE**, whereby this R-1 single-family district restricts the number of dwelling units to one only. The lot in question contains approximately 8,000-sq. ft. of land area.

NATHAN LINDENFELD: 176-178 Transit Street, Lot 371 on the Tax Assessor's Plat 16 located in a Residential R-2 Zone; to be relieved from Section 704.2(C). The applicant proposes to pave the remaining unpaved sections of the rear yard, which would create 100 percent

rear yard pavement coverage. No changes are proposed for the legally existing single-family dwelling and the two-family structure. The applicant is requesting a **DIMENSIONAL VARIANCE** and seeks relief from the paving restriction, which is no more than 50 percent of the rear yard. The lot in question contains approximately 5,308-sq. ft. of land area.

DAVID C. LUND: 79 & 83 Brush Hill Road, Lots 438 & 439 on the Tax Assessor's Plat 95 located in a Residential R-2 Zone; to be relieved from Sections 204.2 and 704.2(1A) in the proposed construction of a 26' x 40' single-family dwelling on each lot. Each lot contains 3,200 square feet of land area. As per Section 204.2 of the Zoning Ordinance, if two or more contiguous lawfully established substandard lots of record, where one or more of the lots are less than 4,000 square feet and are under the same ownership on or anytime after October 24, 1991, such lots shall be considered to be one lot and undivided for the purpose of the Ordinance. In this instance, both lots are substandard in size and are recorded under the same ownership. The applicant is requesting a **DIMENSIONAL VARIANCE** in order to retain the lots separately and construct a one-family dwelling on each lot.

SMITH HILL COMMUNITY DEVELOPMENT CORP.: 211-237 Douglas Avenue, Lots 84, 85, 86, 87 & 89 on the Tax Assessor's Plat 68 located in a General Commercial C-2 Zone; to be relieved from Sections 305 and 703.2. Lots 84, 84, 86 & 87 have no structures. Lot 89 has a

building that was previously used for manufacturing that would be demolished. The applicant proposes to merge all five lots into one lot where two 3-story mixed use buildings would be constructed comprising 13 residential units and 5 commercial units. The proposed uses are permitted within this C-2 district. The applicant is requesting a **DIENSIONAL VARIANCE and seeks relief from regulations governing front yard setback, whereby in a commercial zone buildings must be built coincident with the front property line; the new structures would be set back 3 feet. Further relief is being sought from the parking requirement, whereby the new buildings necessitate 30 parking spaces, 20 spaces would be provided. The lots in question total approximately 24,145-sq. ft. of land area.**

6:30 P.M.

DAVID & DOROTHY KELLOGG: 162 Meeting Street (corner Brown St.), Lot 548 on the Tax Assessor's Plat 10 located in a Residential R-1 Zone and the College Hill Historic District; to be relieved from Sections 414.3 and 414.4 in the proposed construction of an 11' x 21' one-car garage that would be attached to the existing one-car garage.

A sunroom and a patio would be located on the second level of the garage or on the roof. A single-family dwelling occupies the premises. The applicant is requesting a **DIMENSIONAL VARIANCE and seeks relief from regulations governing the front yard setback for the additional living space and the garage. The lot in question contains approximately 4,771-sq. ft. of land area.**

DAVID HIRSCHBERG & CHERYL GREENFIELD: 33 Stimson Avenue (corner Diman Place), Lot 128 on the Tax Assessor's Plat 11 located in a Residential R-1 Zone and the Stimson Avenue Historic District; to be relieved from Sections 304 and 414.4 in the proposed demolition of the existing one-car garage and the construction of a new 533 square foot addition attached to the existing single-family dwelling on the east side of the structure. The addition would provide added living space and a new one-car garage. The applicant is requesting a DIMENSIONAL VARIANCE and seeks relief from regulations governing front and side yard setbacks. The lot in question contains approximately 6,946-sq. ft. of land area.

MILO MANAGEMENT, LLC: 331 Killingly Street, Lot 200 on the Tax Assessor's Plat 115 located in a Residential R-1 Zone; to be relieved from Sections 303-use code 12, 304 and 704.2(C) in the proposed construction of a new 28' x 44' 3-story two-family dwelling. A two-family structure is not permitted within this residential R-1 district. The applicant is requesting a USE VARIANCE for the proposed use and a DIMENSIONAL VARIANCE relating to regulations governing maximum height, which is 2-stories, and the rear yard paving restriction, whereby, the amount of pavement permitted is no more than 50 percent, the applicant proposes to pave 54.19 percent of the rear yard. The lot in question currently sits vacant of structures and contains approximately 6,825-sq. ft. of land area.

UNITED PENTECOSTAL CHURCH: 213 Laurel Hill Avenue (corner Dorchester Ave.), Lots 118 & 119 on the Tax Assessor's Plat 108 located in a Residential R-3 Zone; to be relieved from Sections 304, 414.3 and 703.2 pursuant to Section 200 in the proposed construction of two additions to the existing church. One addition 41.5' x 25.33' would be constructed at the front of the building and the second addition 41.5' x 33.0' would be constructed at the rear of the structure. The proposed additions would provide for proper exits and accessibility for the physically challenged and aged. The applicant is requesting a DIMENSIONAL VARIANCE and seeks relief from regulations governing the front & rear yard setbacks, the height restriction, corner setback, and the parking requirement, whereby 46 parking spaces are required, 24 spaces would be provided. The lots in question contain approximately 14,564-sq. ft. of land area.

ERVIN R. QUIROA: 598 Union Avenue (Plat 109, Lot 504) and 140 Rear-Prudence Avenue, 144 Rear-Prudence Avenue & 148 Rear-Prudence Avenue (Plat 109, Lots 50, 51 & 52) on the Tax Assessor's Plat 109 located in a Residential R-3 Zone; to be relieved from Sections 105.2, 304, 425.1(A)(1) and 425.2 in the proposed subdivision and reconfiguration of 4 existing lots into 3 new lots, with an existing four-unit building to remain, and two new three-unit residential buildings to be constructed, one on each of the two new lots in the rear. In the R-3 district, the minimum lot width and frontage requirement is 50 feet. The existing lot 504 has 70 feet of width and frontage. The existing lots 50, 51 & 52 all have zero feet of

frontage and an actual width of 40 feet. A new lot containing approximately 8,000 square feet of land area would be created upon which the existing four-family dwelling would remain at 598 Union Avenue. A second new lot would be created containing approximately 6,145-sq. ft. upon which a new 30' x 48' 3-story, three-family dwelling would be constructed behind the existing four-family structure. A third new lot would be created containing approximately 7,605-sq. ft. of land area upon which a new 30' x 48' 3-story, three-family dwelling would be constructed to the east of the second new lot. All lots are required to have a minimum lot width and frontage of 50 feet. The existing four-family dwelling will remain on its new lot having 50 feet of lot width and frontage, however the new second and third lots would have a frontage of only 10 feet. The existing four-family dwelling is a legal non-conforming use in this residential R-3 three-family district. The proposed new structures are permitted only when located on lots meeting the dimensional regulations. The applicant is requesting a **DIMENSIONAL VARIANCE** and seeks relief from regulations governing minimum lot width & frontage, the rear yard setback requirement, whereby the applicant proposes a rear yard setback for the new structures of 10 feet; the required rear yard setback is 25 feet. Further relief is being sought from the height restriction, which is 2-stories or 30 feet, (the applicant proposes 3-stories at 36 feet), the canopy coverage (amount of trees), and the landscaping requirements. The lots in question contain approximately 21,820-sq.ft. of land area.

MONOHASSET MILL, LLC: 532 Kinsley Avenue (corner Eagle St.), Lot 1 on the Tax Assessor's Plat 27 located in an Industrial M-1 Zone; to be relieved from Sections 703.2 and 705.1 in the proposed expansion of the number of commercial artists lofts from 36 to 39 units. No change is proposed for the existing gallery. Artists' lofts are a permitted use in this M-1 district. The applicant is requesting a DIMENSIONAL VARIANCE relating to the parking requirement, whereby 59 parking spaces are required, 49 spaces would be provided including 4 parking spaces on a contiguous parcel. The lot in question contains approximately 65,000-sq. ft. of land area.

REX REALTY, LLC, REX REALTY CORPORATION-OWNERS & WESTMINSTER CROSSING, LLC-APPLICANT: 369-391 West Fountain Street & 21-33 Cargill Street, Lots 441, 442 & 512 on the Tax Assessor's Plat 29 located in a C-4 Heavy Commercial Zone; to be relieved from Sections 305, 414.4, 418 and 703.2 in the proposed demolition of the existing manufacturing building and the construction of a new 6-story 164,511 square foot mixed use building that would contain 82 residential units, commercial space and parking. Exterior surface parking would also be provided. The applicant is requesting a DIMENSIONAL VARIANCE and seeks relief from regulations governing the height restriction, which is 3-stories not to exceed 45 feet, the maximum height of the proposed building would be 6-stories at 72 feet. Further relief is being sought relating to the lot area per dwelling unit requirement, corner setback, front yard setback for the garage, and the parking requirement, whereby, 139

parking spaces are required, 125 spaces would be provided. The lots in question contain approximately 55,965-sq. ft. of land area.

THIS MEETING MAY BE CONTINUED FROM DAY TO DAY AND TIME TO TIME AT THE DISCRETION OF THE ZONING BOARD OF REVIEW.

ESTA REUNION PUEDE SER CONTINUADA EN CUALQUIER MOMENTO BAJO LA DISCRECTION DE LA JUNTA DE REVISIONES DE ZONA.