

ZONING BOARD OF REVIEW

OCTOBER 9, 2007

DOCKET

7 CASES

Notice is hereby given that the Zoning Board of Review will be in session in the Probate Court Room, fifth floor, City Hall on Tuesday, October 9, 2007 at 5:30 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:

5:30 P.M.

On September 25, 2007, the following members voted to continue the following matters for hearing:

KELLY, STROTHER, VARIN, WOLF & UNDERWOOD

101 PLAIN, LLC (APPLICANT), KFM REALTY ASSOCIATES (OWNER of Lot 647) and 1500 MINERAL SPRING ASSOCIATES (OWNER of Lot 642): 101-105 Plain Street and 23-25 Oldham Road, Lots 647 and 642 on the Tax Assessor's Plat 23 located in a Residential R-3 Three-Family Zone and the I-1 Institutional Floating Zone District – Health Care Institutions. The applicant is seeking relief from the following Sections pursuant to Section 200 (nonconformance). Relief is being requested from Section 303-use code 15.3 (nursing home

and congregate care facility), Section 303-use code 24.5 (medical or dental office) and Section 304 (height, front yard & side yard), however the height of the existing building will not change, a proposed canopy in the front yard will affect the provisions for front & side yard setbacks. Further relief is being sought from provisions governing nonconformance of landscaping and tree preservation at Section 425.5, the sign provisions at Section 607, the parking provisions at Sections 703.2 (parking space requirements) and 705 (tandem parking relief) in the proposed interior and exterior renovation of the existing building and the proposed change in the use of the existing building from a nursing home with 200 beds and 2 doctor's offices, to a nursing home having 33 beds and/or medical or dental offices. The applicant is requesting a **USE VARIANCE** for the continued use of the nursing facility and for the additional medical and/or dental offices. Additionally, Section 425.5 governs existing tree canopy coverage and to the extent that said section is not met entirely as to tree replacement, a **DIMENSIONAL VARIANCE** is sought. Section 607 provides that in the R-3 zone, the total area of a wall sign cannot exceed 4 square feet, and all signs shall not exceed 6 square feet on any lot. The applicant proposes to install wall signs in the total amount of 344 square feet, together with existing directional and identification signs, also a **DIMENSIONAL VARIANCE**. Further proposed by **DIMENSIONAL VARIANCE** is to provide either 71 parking spaces without tandem parking or 117 spaces for tandem parking. The lots in question together contain approximately 52,960 square feet of land area.

JOHN H. READEY, JR., OWNER AND 02903 REALTY PARTNERS, LLC, APPLICANT: 332 Washington Street and 39, 43 & 49 Lyman Street (at Service Road No. 7), Lots 244, 245, 412, 413 & 414 on the Tax Assessor's Plat 25 located in a Commercial C-2 Zone and the West Side Overlay District; to be relieved from Sections 305 (maximum height), 305.1(10) (buildings at street level shall be coincident with the lot line without setback), 506.3 (new buildings in C zones overlaid by the WSOD shall be built with zero setback from the front lot line), 506.4(H) (building materials & finishes), and 420.2 in the proposed demolition of the existing structures and the construction of a new 12-story building, measuring approximately 160 feet in height. The uses proposed within the building are 94 residential units with retail and health club space measuring 11,100 square feet of floor area and 100 parking spaces. The proposed uses are permitted within this C-2 commercial district, the applicant is requesting a DIMENSIONAL VARIANCE from regulations governing the maximum height permitted, which is 45 feet, and the proposed building will be approximately 160 feet in height. The proposed 94 dwelling units, requires a minimum lot requirement of 112,800 square feet and the lots together contain approximately 20,396 square feet of land area. The proposal further seeks a 5-foot setback along Service Road and the exterior wall materials for the new structure comprise composite metal panels.

On July 10, 2007, the following members voted to continue the following matter for hearing:

KELLY, WOLF, STROTHER, EGAN & VARIN

On September 25, 2007, the following members voted to continue the following matter to this docket for hearing:

KELLY, STROTHER, EGAN, VARIN & UNDERWOOD

The Board will meet as an Appellate Board concerning the following matter regarding a decision rendered by the Director of the Department of Inspection and Standards:

APPEAL FROM THE DECISION OF THE DIRECTOR OF THE DEPARTMENT

OF INSPECTION AND STANDARDS:

Appellant: Anastasia Williams

Property Owner: Anastasia Williams

Subject Property: 32 Hammond Street, also known as the Tax Assessor's Plat 32, Lot 590 (formerly lot 305) located within a Residential R-3 Three-Family Zone. The Director has determined that a bulkhead has been constructed in violation of Section 304 of the Zoning Ordinance (regulation governing rear yard setback), in

violation of the Board's decision under Resolution No. 8120 dated February 2, 1998, and in violation of Permit No. 1255 dated March 26, 1998. The Appellant contends that said bulkhead was constructed in accordance with City regulations. This appeal is taken pursuant to Section 902.1 of the Zoning Ordinance.

NEW MATTERS

EDWARD P. TOBIN: 7-9 Gifford Street, Lot 156 on the Tax Assessor's Plat 105 located in a General Commercial C-2 Zone; to be relieved from Section 305.1(3) in the proposed construction of a new two-family dwelling. The aforementioned lot is currently vacant of structures. A two-family structure is permitted within the C-2 district, however only when located on a lot containing no less than 5,000 square feet of land area. The lot in question contains approximately 3,522 square feet of land area, therefore the applicant is requesting a DIMENSIONAL VARIANCE and seeks relief from regulations minimum lot area.

ALBERT IBBOTSON & PHYLLIS IBBOTSON: 9-11 Preston Street, Lot 545 on the Tax Assessor's Plat 14 located in a Residential R-3 Three-Family Zone; to be relieved from Section 304 in the proposed

change in the use of the existing building from a two-family to a three-family dwelling. A three-family use is permitted within this R-3 district, however only when located on a lot containing no less than 6,000 square feet of land area. The lot in question contains approximately 5,000 square feet of land area, therefore the applicant is requesting a DIMENSIONAL VARIANCE and seeks relief from regulations governing lot area per dwelling unit, said Section requiring 2,000 square feet of land area per dwelling unit.

JIMCO REDEVELOPMENT, OWNER AND ARGENTINA COLLADO, APPLICANT: 1095 Eddy Street, Lot 338 on the Tax Assessor's Plat 57 located in a General Commercial C-2 Zone. The applicant is requesting a SPECIAL USE PERMIT pursuant to Section 303-use code 58 in the proposed inclusion of entertainment within the existing restaurant. The lot in question contains approximately 8,298 square feet of land area.

ESTATE OF ARNOLD HAHN, OWNER AND CAW CORPORATION, APPLICANT: 129-137 Douglas Avenue, Lots 207, 318, 320 & 833 on the Tax Assessor's Plat 68 located in a General Commercial C-2 Zone. The applicant is requesting a SPECIAL USE PERMIT pursuant to Section 303-use code 58 in the proposed inclusion of entertainment within the existing restaurant. The lots in question contain approximately 26,000 square feet 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.