

TO: Zoning Board of Adjustment
FROM: Peter Stith, AICP, Planning Department
DATE: August 15, 2017
RE: Zoning Board of Adjustment August 22, 2017 Meeting

OLD BUSINESS

1. 73 Court St.

NEW BUSINESS

1. 0 Sylvester St.
2. 217 Bartlett St.
3. 30 Elwyn Ave.
4. 56 Brackett Rd.
5. 25 Maplewood Ave.

Case #8-6

Petitioners: Arne LLC
Property: 0 Sylvester Street
Assessor Plan: Map 232, Lots 43-1 & 43-2
Zoning District: Single Residence B (SRB)
Description: Merge two lots and construct a single-family home.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance from Section 10.521 to allow the following: a) continuous street frontage of 80.64'± where 100'; b) a lot area and lot area per dwelling unit of 6,713± s.f. where 15,000 s.f. is required; c) a lot depth of 82.2'± where 100' is required; and d) a front yard setback of 21.7'± where 30' is required.

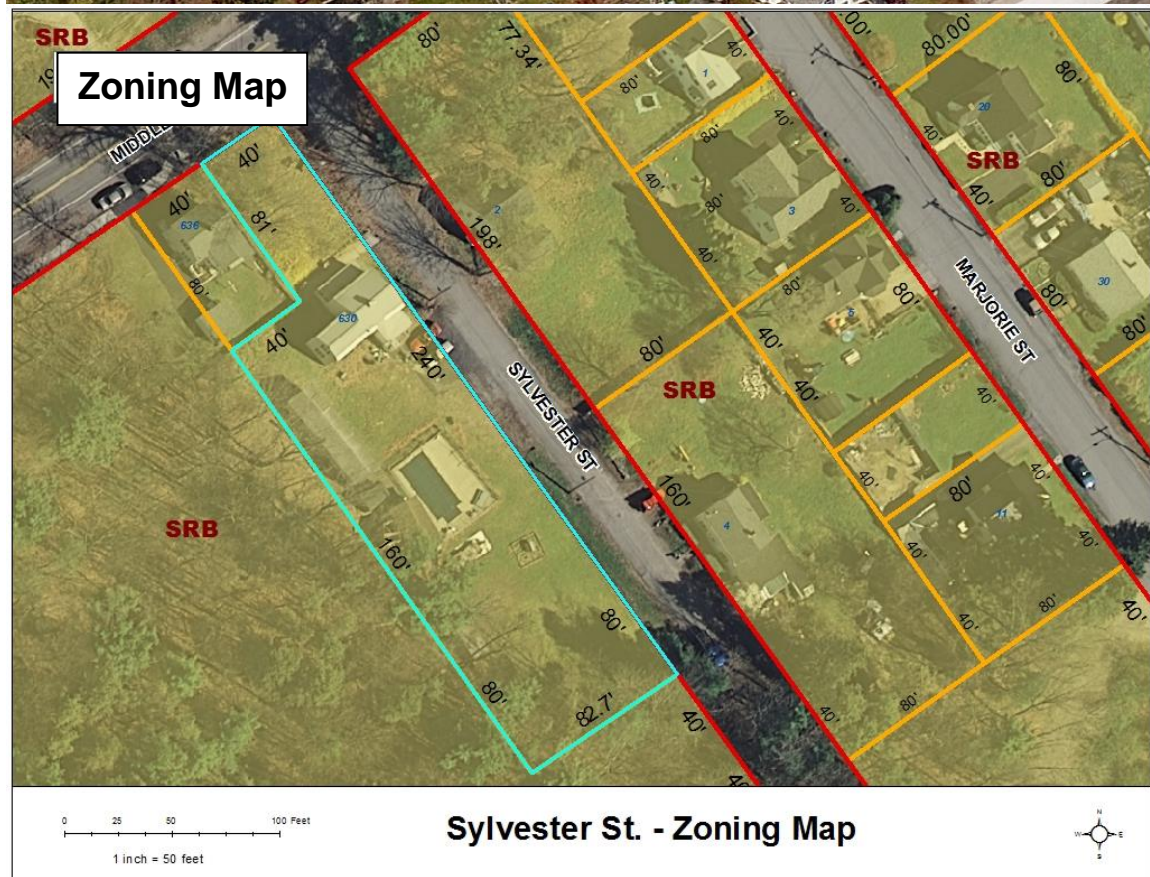
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Vacant	Single Family	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>		6,713	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>		6,713	15,000 min.
<u>Street Frontage (ft.):</u>		80.84	100 min.
<u>Lot depth (ft.):</u>	>100	82.20	100 min.
<u>Primary Front Yard (ft.):</u>	5	21.7	30 min.
<u>Right Yard (ft.):</u>	>10	13	10 min.
<u>Left Yard (ft.):</u>	13	16	10 min.
<u>Rear Yard (ft.):</u>	>30	31	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	<20	19.3	20 max.
<u>Open Space Coverage (%):</u>	>40	73.3	40 min.
<u>Estimated Age of Structure:</u>	1893		Variance request shown in red.

Other Permits Required

None

Neighborhood Context



Previous Board of Adjustment Actions

No BOA history found.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Case #8-7

Petitioners: Bartlett Street Condos LLC
Property: 217 Bartlett Street
Assessor Plan: Map 162, Lot 32
Zoning District: General Residence A (GRA)
Description: Replace demolished building with a single-family residence.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance from Section 10.513 to allow more than one free standing dwelling on a lot.
2. A variance from Section 10.521 to allow the following: a) a lot area per dwelling of 1,773± s.f. where 7,500 s.f. is required; b) a 3'± side yard setback where 10' is required; c) a 10'± front yard setback where 15' is required; and d) continuous street frontage of 98.7'± where 100' is required.

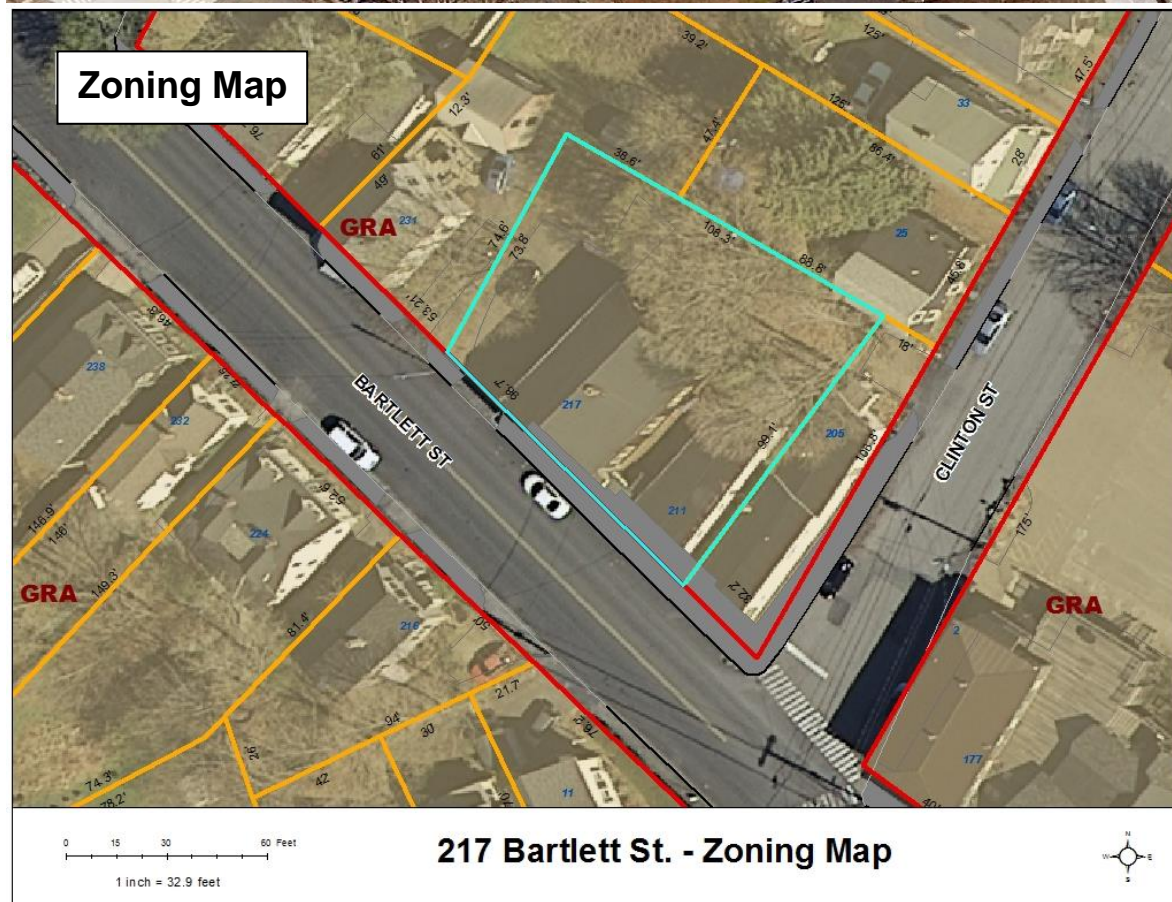
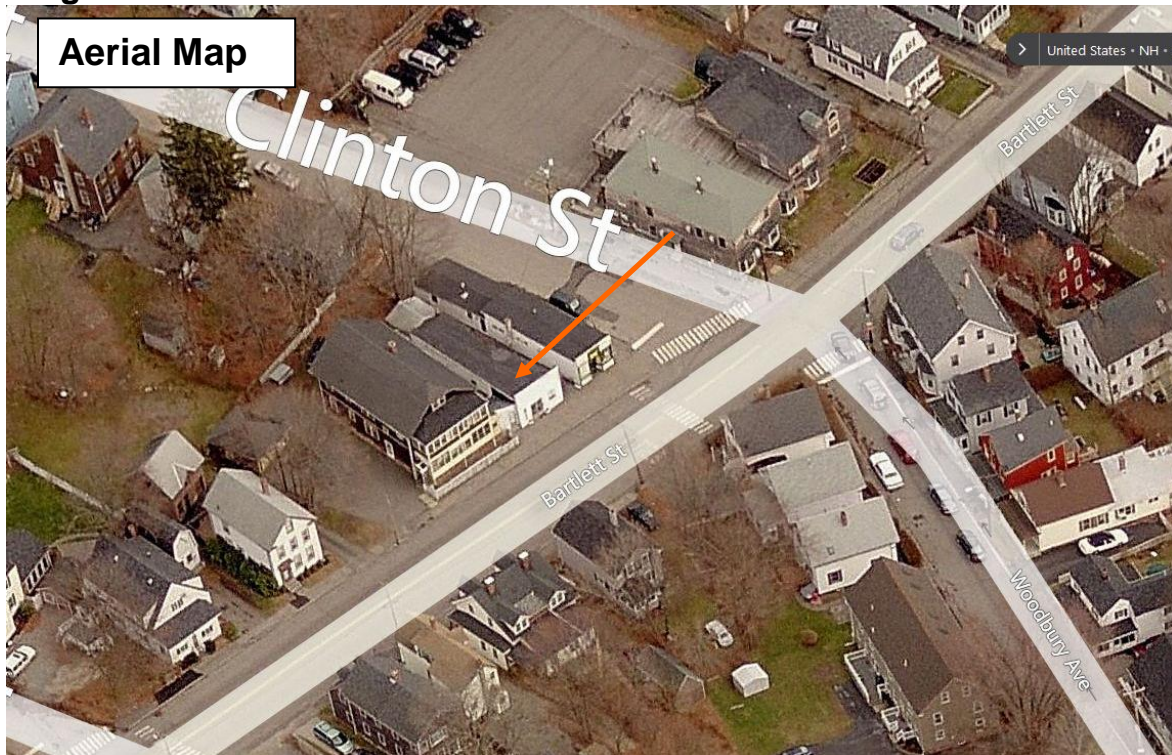
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	4 unit Multi-family	Construct new Single Family	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	8,666	8,666	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,166	1,773	7,500 min.
<u>Street Frontage (ft.):</u>	98.7	98.7	100 min.
<u>Lot depth (ft.):</u>	>70	>70	70 min.
<u>Primary Front Yard (ft.):</u>	5	10	30 min.
<u>Right Yard (ft.):</u>		3	10 min.
<u>Left Yard (ft.):</u>	>10	>10	10 min.
<u>Rear Yard (ft.):</u>	>20	>20	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	42	35	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
			Variance request shown in red.

Other Permits Required

None

Neighborhood Context



Previous Board of Adjustment Actions

January 26, 2016: The Board **granted** a Special Exception to allow four dwelling units and variances to allow a lot area per dwelling unit of 2,237 s.f. where 7,500 is required and to allow an 18' maneuvering aisle where 24' is required with the stipulation that the existing concrete block building and connector will be removed prior to issuance of a certificate of occupancy for the four dwelling unit structure.

Planning Department Comments

A building permit has been issued and construction is underway for the multi-family building. Regardless of the outcome of this petition, the stipulation still stands for removing the exiting concrete building and connector prior to receiving a certificate of occupancy for the multi-family structure.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Case #8-8

Petitioners: Brian M. Carloni
Property: 30 Elwyn Avenue
Assessor Plan: Map 113, Lot 25
Zoning District: General Residence A (GRA)
Description: Construct rear addition.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance from Section 10.521 to allow the following: a) 7'± right side yard setback where 10' is required; and b) 32% building coverage where 25% is the maximum allowed.

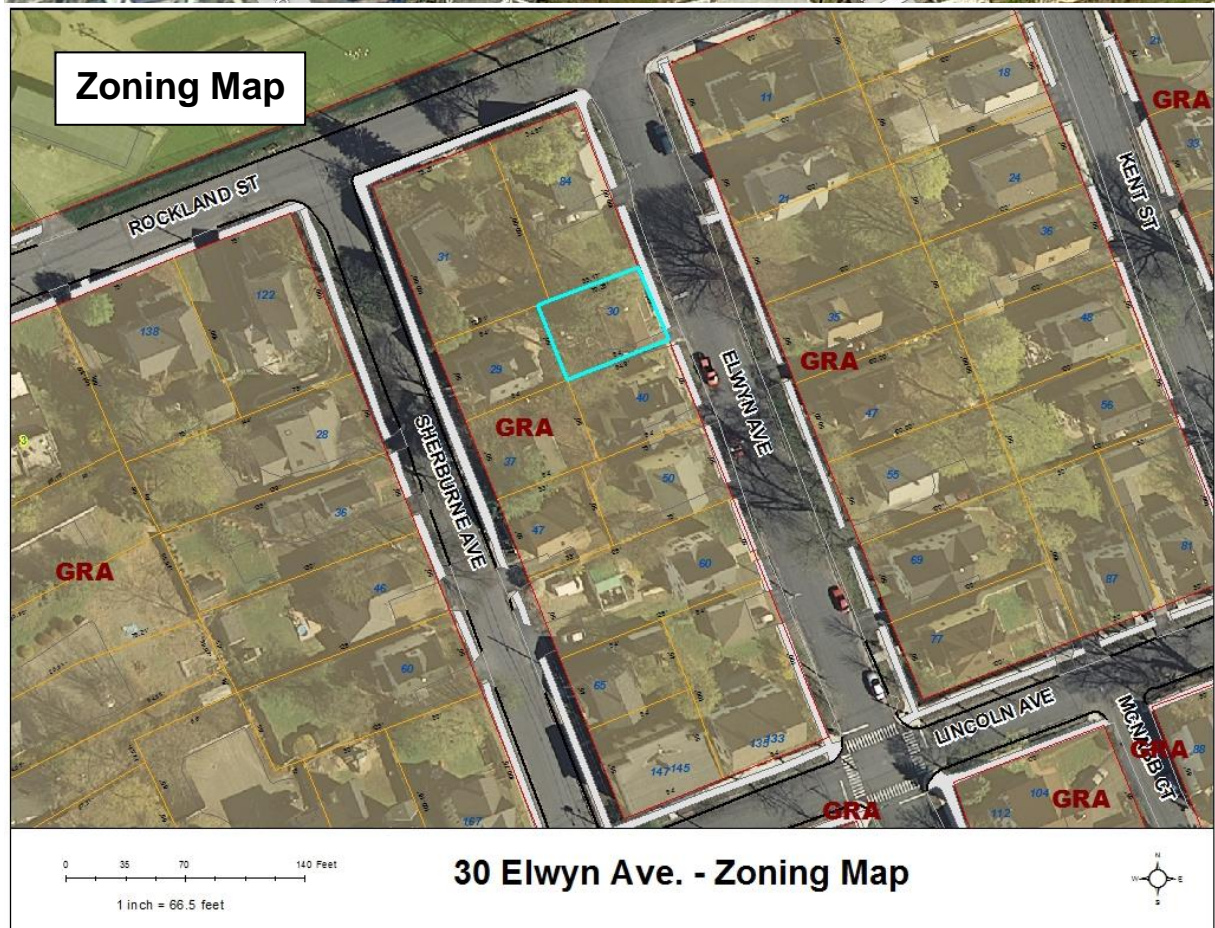
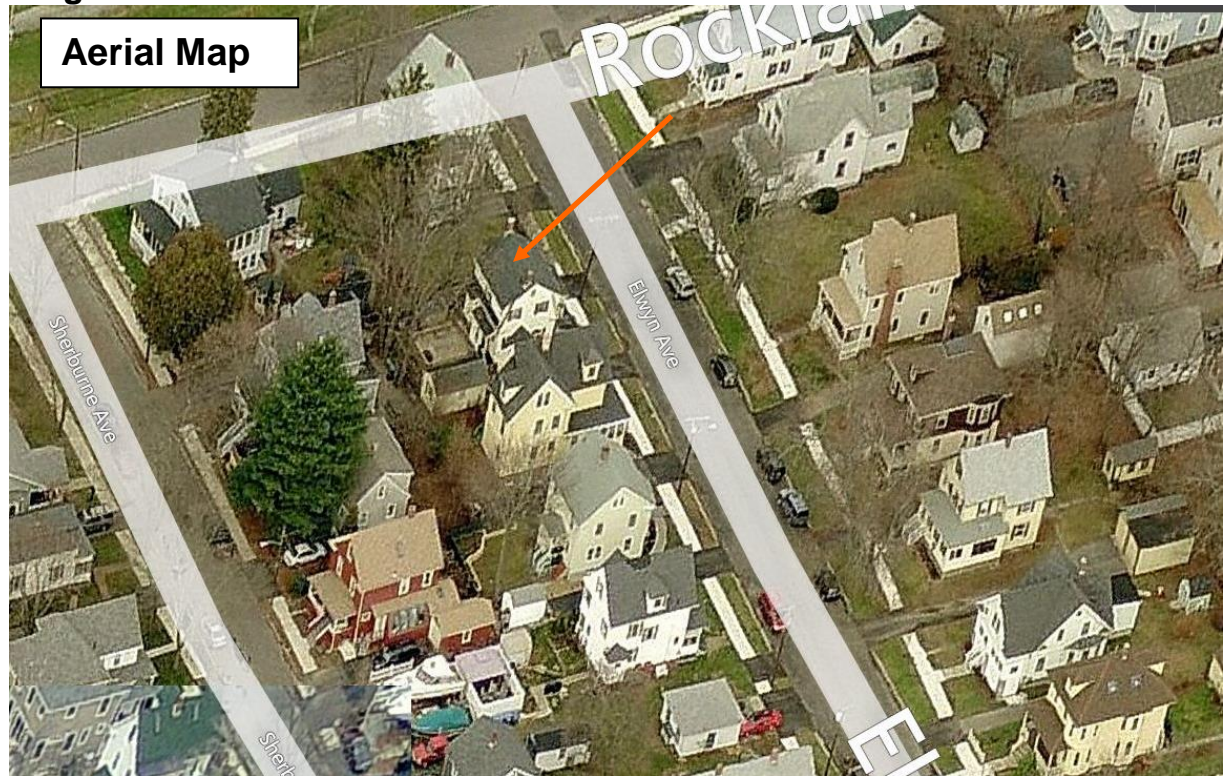
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single Family	Rear addition	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	3,049	3,049	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,049	3,049	7,500 min.
<u>Street Frontage (ft.):</u>	50	50	100 min.
<u>Lot depth (ft.):</u>	70.28	70.28	70 min.
<u>Primary Front Yard (ft.):</u>	7	7	15 min.
<u>Right Yard (ft.):</u>	7	7	10 min.
<u>Left Yard (ft.):</u>	13	13	10 min.
<u>Rear Yard (ft.):</u>	41	35	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	42	32	25 max.
<u>Open Space Coverage (%):</u>	44.2	54.2	30 min.
<u>Estimated Age of Structure:</u>	1940		Variance request shown in red.

Other Permits Required

None

Neighborhood Context



Previous Board of Adjustment Actions

No BOA history found.

Previous Board of Adjustment Actions

The applicant's proposal will maintain the current right side yard setback and reduce the building coverage by approximately 10%, however still exceeding the maximum allowed.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Case #8-9

Petitioners: Patrick J. Sayers
Property: 56 Brackett Road
Assessor Plan: Map 206, Lot 23
Zoning District: Single Residence B (SRB)
Description: Construct a new single-family residence replacing an existing structure.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance from Section 10.521 to allow the following: a) a lot area and lot area per dwelling unit of 14, 209± s.f. where 15,000 s.f. is required; and 62.14'± of continuous street frontage where 100' is required.
2. A Variance from Section 10.311 to allow a structure on a lot without the minimum lot area and street frontage.

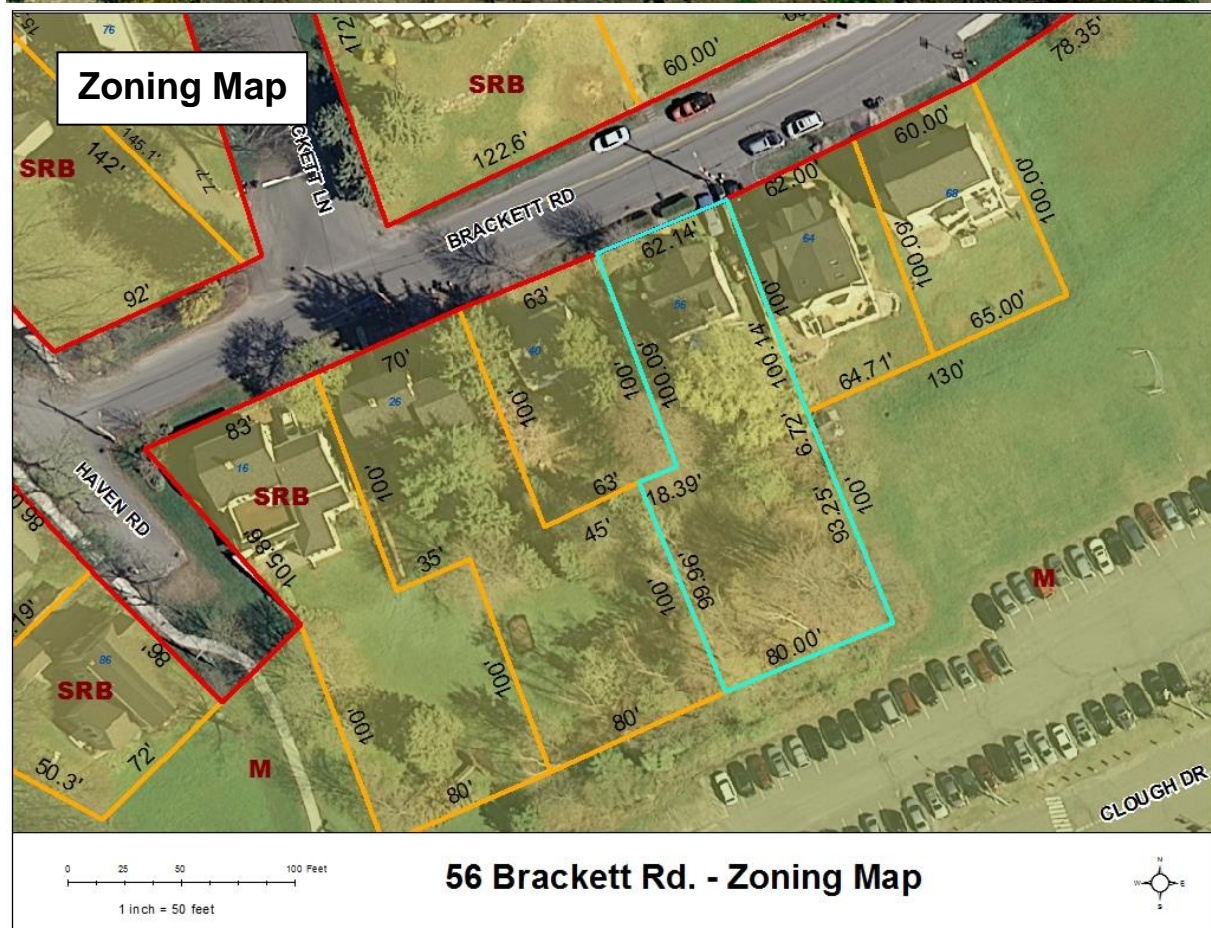
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single Family	Single Family	Primarily Residential Uses
<u>Lot area (sq. ft.):</u>	14,209	14,209	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	14,209	14,209	15,000 min.
<u>Street Frontage (ft.):</u>	62.14	62.14	100 min.
<u>Lot depth (ft.):</u>	>100	>100	100 min.
<u>Primary Front Yard (ft.):</u>	20	20	30 min.
<u>Right Yard (ft.):</u>	17	13	10 min.
<u>Left Yard (ft.):</u>	13	13	10 min.
<u>Rear Yard (ft.):</u>	>30	>30	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>		14.4	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
			Variance request shown in red.

Other Permits Required

None

Neighborhood Context



Previous Board of Adjustment Actions

No BOA history found.

Previous Board of Adjustment Actions

The proposed new house will have the same front yard setback of 20 feet per Section 10.516.10. The house will conform to all other requirements for a structure, but because the applicant is demolishing the old house and constructing a new one, variances are required to bring the lot into conformity.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Case #8-10

Petitioners: 25 Maplewood Avenue, LLC
Property: 25 Maplewood Avenue
Assessor Plan: Map 126, Lot 2
Zoning District: Character District 5 (CD-5), Historic District (HD), Downtown Overlay District (DOD)
Description: Remove existing structure and construct 3-4 story mixed use building.
Requests: Variances and/or Special Exceptions necessary to grant the required relief from the Zoning Ordinance including:
1. A Variance from Section 10.5A41.10D to allow the maximum finished floor surface of ground floor above sidewalk grade on the Maplewood Avenue face to be greater than 36". *If this request is denied, then, b) a variance from Section 10.5A41.10D to allow shopfront glazing along the Maplewood Avenue face to be less than 70%; and c) a variance from Section 10.5A41.10D to allow a minimum ground story height of 10' where 12' is required. In addition to either item a), or items b) and c) above, the following relief is required: d) a variance from Section 10.5A43.32 to permit a roof appurtenance height in excess of 10' beyond the maximum building height.*

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Bank	Mixed use building	Primarily Mixed Uses
<u>Lot area (sq. ft.):</u>	11,023	11,023	Not Required(NR)
<u>Façade glazing:</u>		<70%	20%to 50% 970% min. for shopfront)
<u>Max building block length (ft.):</u>		<225	225 max.
<u>Max. finished floor surface above sidewalk:</u>		>36 in.	36 in max.
<u>Maximum Primary Front Yard (ft.):</u>		0	5 max.
<u>Right Yard (ft.):</u>		0	NR
<u>Left Yard (ft.):</u>		0	NR
<u>Rear Yard (ft.):</u>		Ok	5 ft or 10 ft from alley min.
<u>Height (ft.):</u>		40	40 max.
<u>Building Coverage (%):</u>		94.3	95 max.
<u>Open Space Coverage (%):</u>			5 min.
<u>Estimated Age of Structure:</u>	1974		Variance request shown in red.

Other Permits Required

HDC, Planning Board – Site Plan Review

Neighborhood Context



Previous Board of Adjustment Actions

No BOA history found.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.