

TO: Zoning Board of Adjustment
FROM: Peter Stith, AICP, Planning Department
DATE: March 9, 2021
RE: Zoning Board of Adjustment March 16, 2021 Meeting

OLD BUSINESS

1. 80 Fields Road
2. 668 Middle Street – Request to Withdraw

NEW BUSINESS

1. 412 Colonial Drive
2. 70 Sheffield Road
3. 58 Taft Road
4. 2 Monroe Street

OLD BUSINESS

1.

Petition of **Andrew & Katy DiPasquale, Owners**, for property located at **80 Fields Road** whereas relief is needed from the Zoning Ordinance to remove an existing shed and construct a new 12' x 16' shed which requires the following: 1) Variance from Section 10.521 to allow: a) a 3 foot rear yard where 9 feet is required; b) a 3 foot left side yard where 9 feet is required; and c) to allow 20.5% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 171 Lot 8 and lies within the Single Residence B (SRB) District.

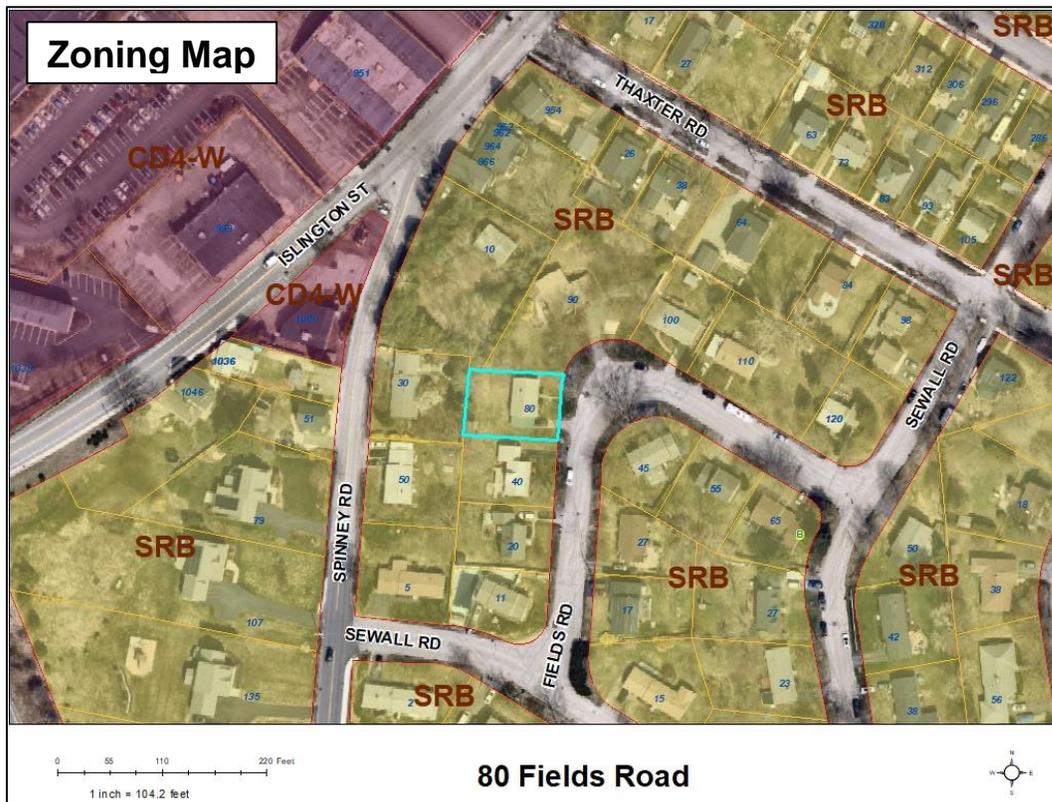
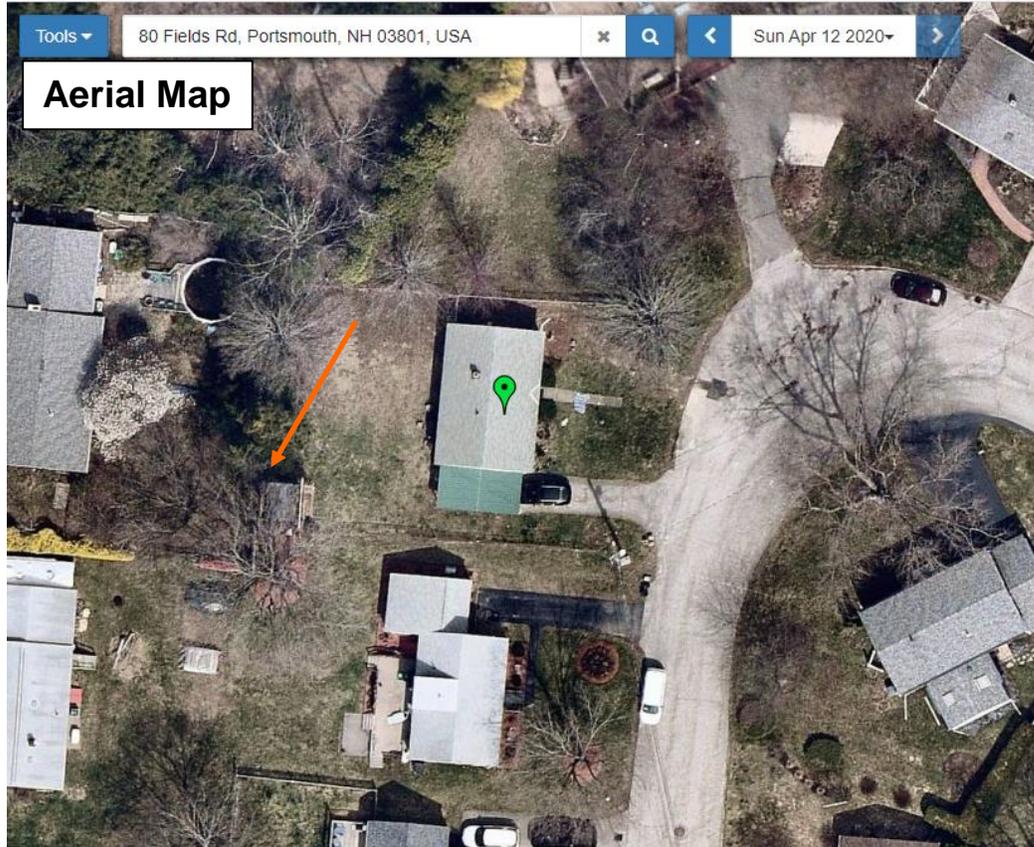
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Demo shed/construct new shed	Primarily residential uses
<u>Lot area (sq. ft.):</u>	6,969.6	6,969.6	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,969.6	6,969.6	15,000 min.
<u>Street Frontage (ft.):</u>	70	70	100 min.
<u>Lot depth (ft.):</u>	100	100	100 min.
<u>Front Yard (ft.):</u>	89	85	30 min.
<u>Right Yard (ft.):</u>	57	51	10 min.
<u>Left Yard (ft.):</u>	3	3	10 min.
<u>Rear Yard (ft.):</u>	3	3	30 min.
<u>Height (ft.):</u>	8	9	35 (9 for shed) max.
<u>Building Coverage (%):</u>	18	20.5	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1957	Variance request(s) shown in red.	

Other Permits/Approvals Required

None

Neighborhood Context



Previous Board of Adjustment Actions

No BOA history found.

Planning Department Comments

The applicant is proposing to demolish the existing shed and replace it with a new, slightly larger shed maintaining the existing rear and left side yard setbacks of 3 feet. The larger shed will increase the building coverage slightly over the maximum allowed at 20.5%.

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.*
- Planning Department Comments* 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

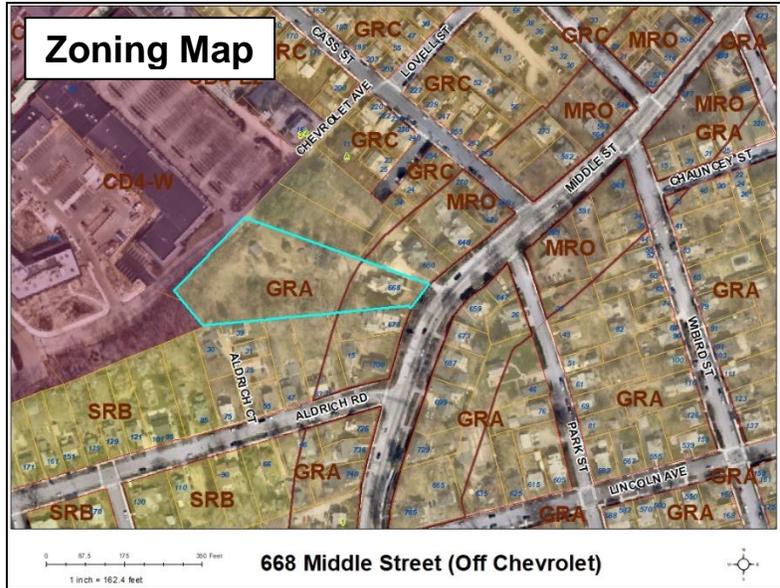
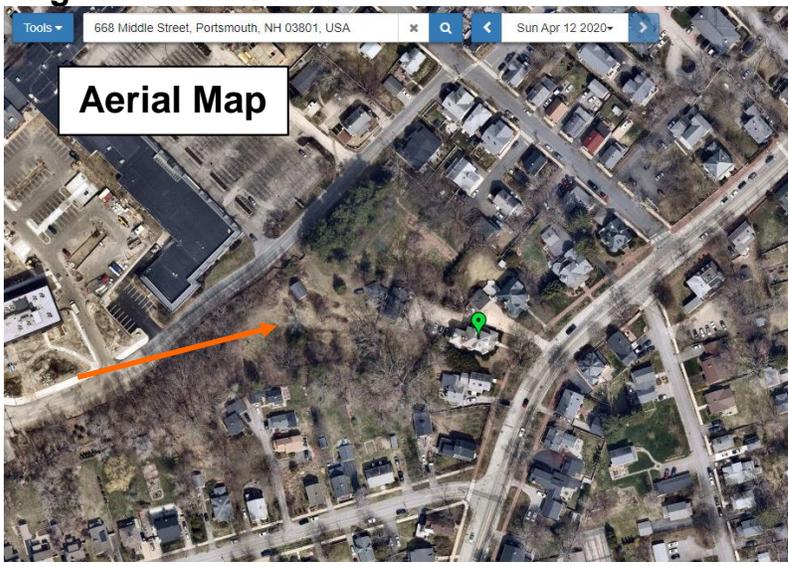
Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

2. Request to Withdraw

Petition of the **Elizabeth Larson Trust of 2012, Owner**, for property located at **668 Middle Street (off Chevrolet Avenue)** whereas relief is needed from the Zoning Ordinance to subdivide one lot into two lots and construct 4, 2-family structures on proposed Lot 2 which requires the following: 1) A Variance from Section 10.513 to allow 5 free-standing dwellings on a lot where only one is permitted. 2) A Variance from Section 10.521 to allow a lot area per dwelling unit of 4,517 square feet where 7,500 square feet per dwelling unit is required. Said property is shown on Assessor Map 147 Lot 18 and lies within the General Residence A (GRA) District.

The applicant has submitted a letter to withdraw the application.

Neighborhood Context



NEW BUSINESS

1.

Petition of **Richard & Susan Shea, Owners**, for property located at **412 Colonial Drive** whereas relief is needed from the Zoning Ordinance to construct an attached 18' x 24' garage with new entry which requires the following: 1) Variances from Section 10.521 to allow: a) a 7 foot left side yard where 10 feet is required, and b) a 20 foot front yard where 30 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 260 Lot 54 and lies within the Single Residence B (SRB) District.

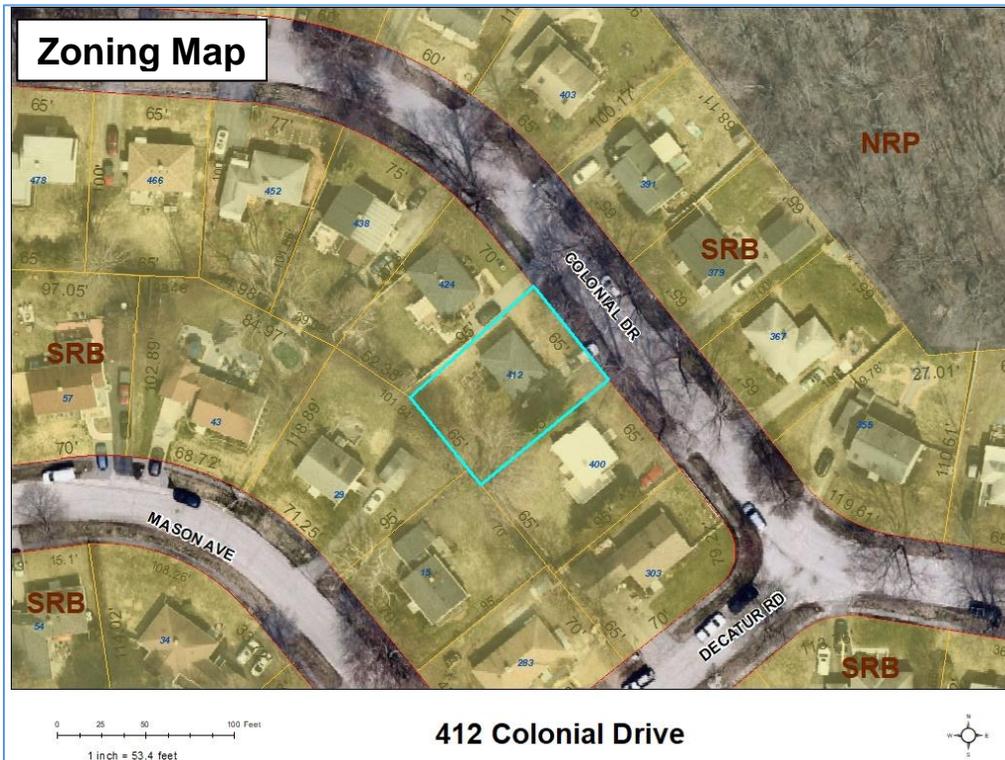
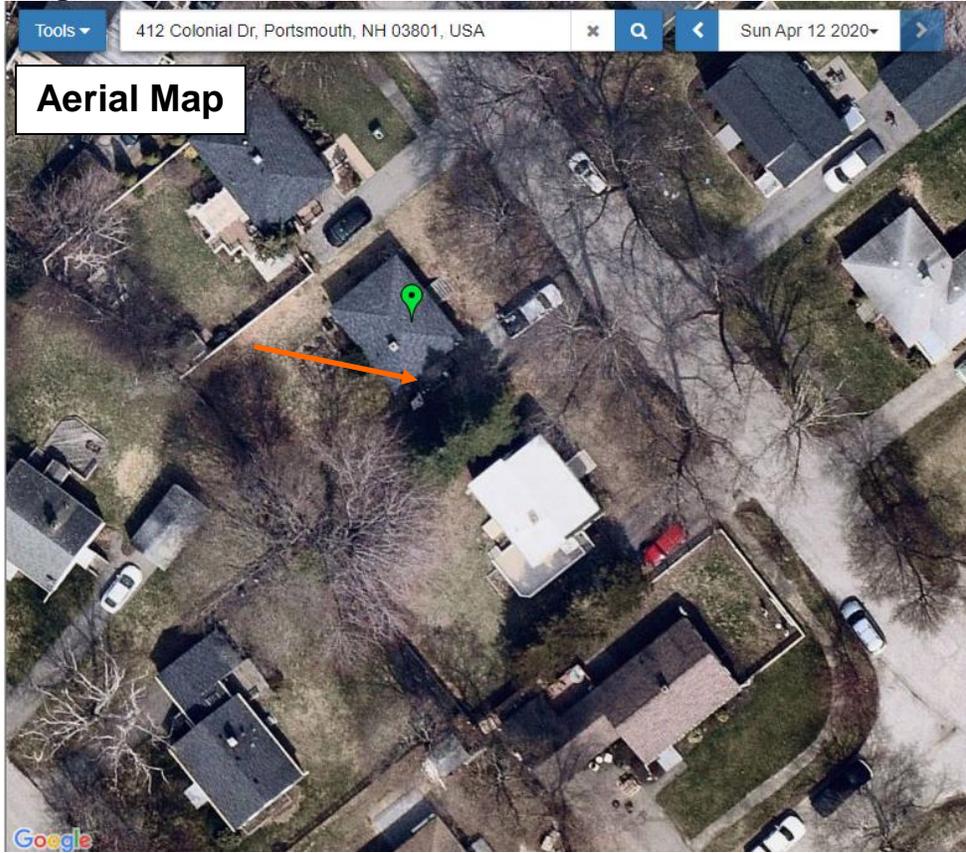
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Add an attached garage	Primarily residential uses
<u>Lot area (sq. ft.):</u>	6,175	6,175	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,175	6,175	15,000 min.
<u>Street Frontage (ft.):</u>	65	65	100 min.
<u>Lot depth (ft.):</u>	95	95	100 min.
<u>Front Yard (ft.):</u>	20	20	30 min.
<u>Right Yard (ft.):</u>	10	10	10 min.
<u>Left Yard (ft.):</u>	18	7	10 min.
<u>Rear Yard (ft.):</u>	46	46	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	11.6	18.6	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1940	Variance request(s) shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is proposing to add an attached garage on the left side of the existing dwelling with a new front entry. The legal notice stated the applicant was requesting a 3 foot left side yard, however the relief needed is 7 feet for the left side yard. If the Board grants approval of the request, the motion should include the 7 foot left side yard.

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.

2.

Petition of **The Prendergast Family Revocable Trust of 2012, Owner**, for property located at **70 Sheffield Road** whereas relief is needed from the Zoning Ordinance to construct an 8' x 22' farmers porch which requires the following: 1) Variances from Section 10.521 to allow: a) a 19 foot front yard where 30 feet is required and b) to allow 25% building coverage where 20% is the maximum allowed. 3) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 233 Lot 46 and lies within the Single Residence B (SRB) District.

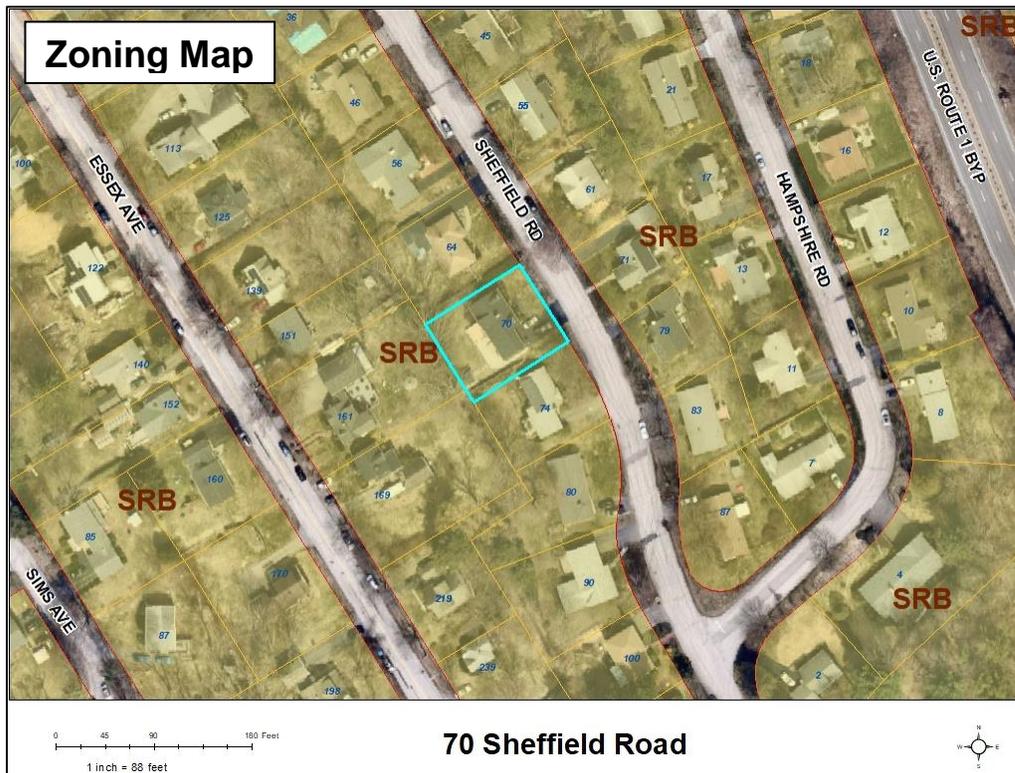
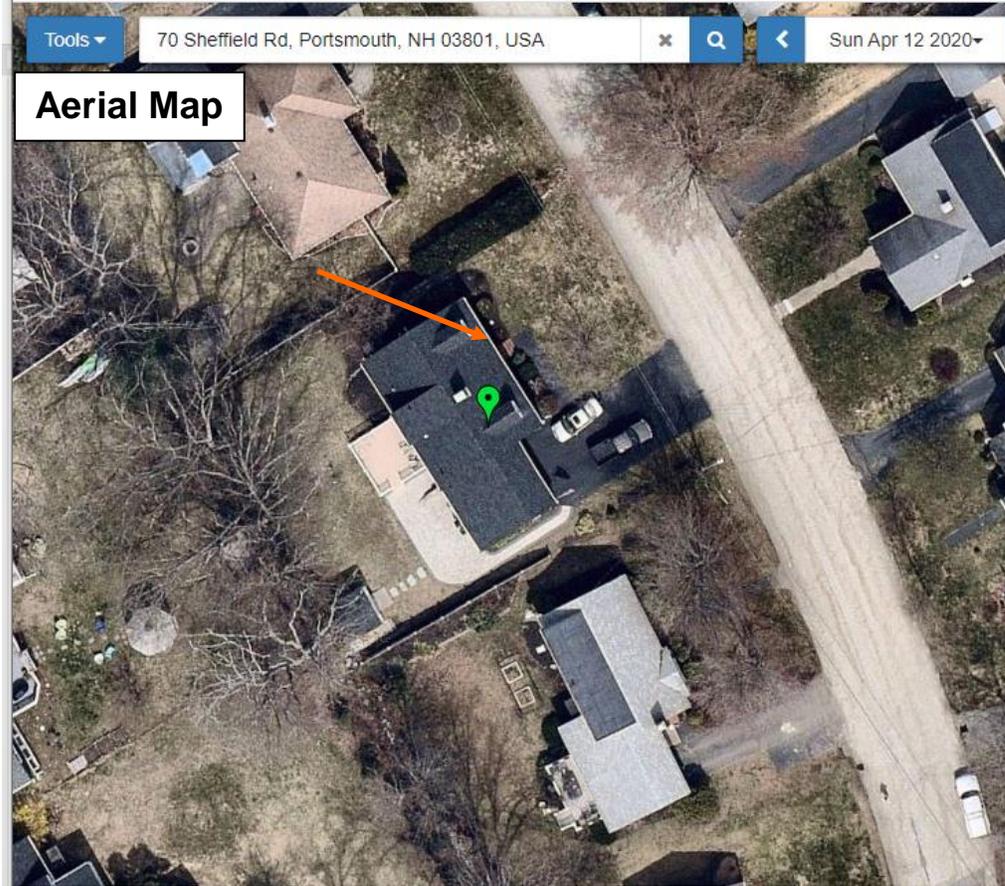
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Farmer's porch	Primarily residential uses
<u>Lot area (sq. ft.):</u>	8,712	8,712	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	8,712	8,712	15,000 min.
<u>Street Frontage (ft.):</u>	85	85	100 min.
<u>Lot depth (ft.):</u>	102	102	100 min.
<u>Front Yard (ft.):</u>	27	19	30 min.
<u>Right Yard (ft.):</u>	13	13	10 min.
<u>Left Yard (ft.):</u>	12	12	10 min.
<u>Rear Yard (ft.):</u>	26	26	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	22.6	25	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1956	Variance request(s) shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No BOA history found.

Planning Department Comments

The applicant is proposing to add a 22' x8' front porch to the existing dwelling. The dwelling is currently nonconforming for the front yard as well as building coverage.

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.*
- Planning Department Comments* 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.

3.

Petition of **Peter MacDonald, Owner** for property located at **58 Taft Road** whereas relief is needed from the Zoning Ordinance to construct a 12' x 16' rear addition with attached deck which requires the following: 1) A Variance from Section 10.521 to allow 24% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 251 Lot 12 and lies within the Single Residence B (SRB) District.

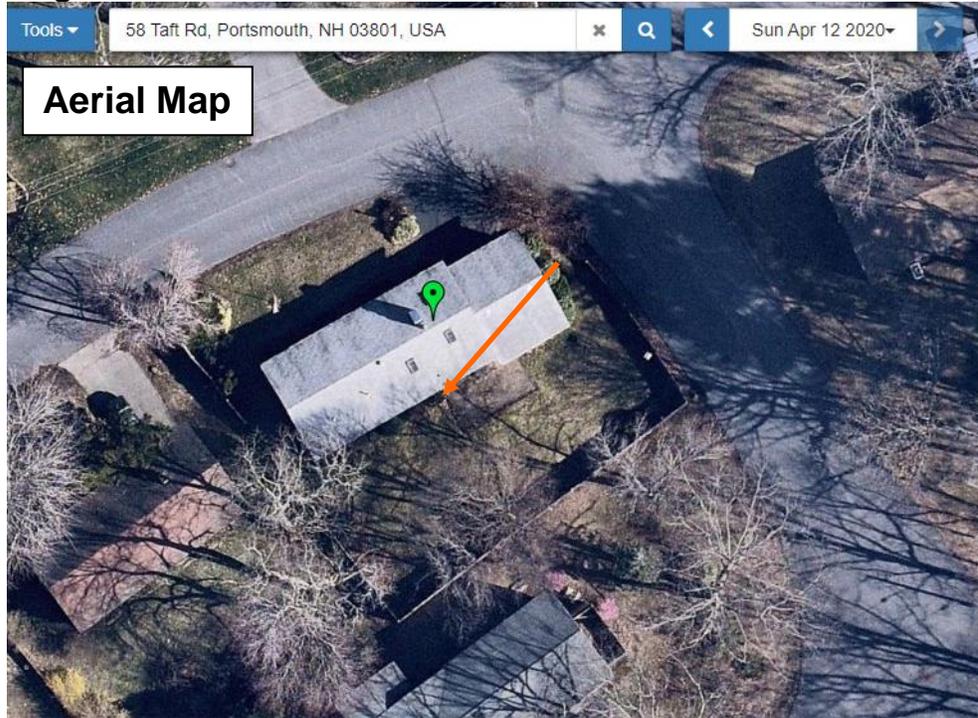
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Rear addition and deck	Primarily residential uses
<u>Lot area (sq. ft.):</u>	9,,583	9,583	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,583	9,583	15,000 min.
<u>Street Frontage (ft.):</u>	177	177	100 min.
<u>Lot depth (ft.):</u>	100	100	100 min.
<u>Front Yard (ft.):</u>	10	10	30 min.
<u>Right Yard (ft.):</u>	8	8	10 min.
<u>Secondary Front Yard (ft.):</u>	10	10	30 min.
<u>Rear Yard (ft.):</u>	42	36	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	20.5	24	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1958	Special Exception request shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

September 20, 1988 – the Board **denied** the following variance:

March 16, 2021 Meeting

- Article III, Section 10-302 to construct a 1 story (24'x24') garage with the following: a) a 10 foot front yard in a district where the front yard shall be 30 feet, b) an 8'3" side yard where 10 feet is required, and c) building coverage on the lot of 21% where 20% is the maximum building lot coverage allowed.

November 1, 1988 – the Board **granted** the following variance:

- Article III, Section 10-302 to allow the construction of a 24'x22' attached garage with a 10 foot front yard where a 30 foot front hard is required and a lot coverage of 20.54% where 20% lot coverage is the maximum allowed.

Planning Department Comments

The applicant is proposing a rear addition with attached deck that will comply with yard requirements, however the building coverage will increase to 24%. Prior variances were granted for the garage and to allow 20.54% coverage as shown in the history above.

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.

4.

Petition of **Joel & Jessica Harris, Owners**, for property located at **2 Monroe Street** whereas relief is needed from the Zoning Ordinance to demolish the existing garage and construct new 1 1/2 story garage which requires the following: 1) A Variance from Section 10.521 to allow 26.5% building coverage where 25% is the maximum allowed. Said property is shown on Assessor Map 152 Lot 8 and lies within the General Residence A (GRA) District.

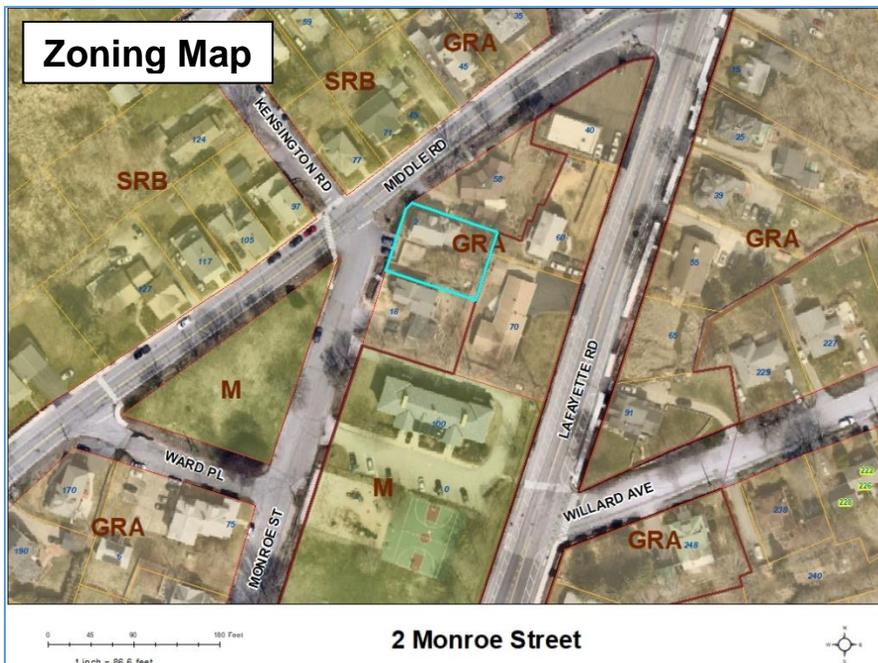
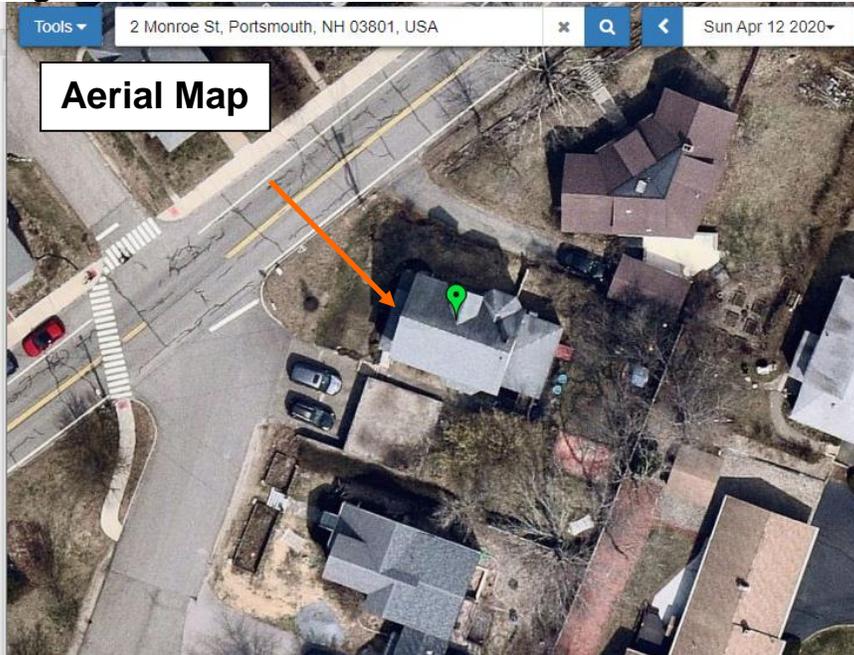
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Demo garage/construct new garage	Primarily Single-family Uses
<u>Lot area (sq. ft.):</u>	7,492	7,492	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	7,492	7,492	7,500 min.
<u>Street Frontage (ft.):</u>	70	70	100 min.
<u>Lot depth (ft.):</u>	98	98	70 min.
<u>Primary Front Yard (ft.):</u>	19	19	15 min.
<u>Left Yard (ft.):</u>	5 (house)	5 (house)	10 min.
<u>Right Yard (ft.):</u>	8.25	10.25	10 min.
<u>Rear Yard (ft.):</u>	60 (garage)	60 (garage)	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	25.7	26.5	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	1.3
<u>Estimated Age of Structure:</u>	1900	Variance request shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

Planning Department Comments

The applicant is proposing to demolish the existing garage and construct a new two car garage with porch. The proposed garage and porch will increase the building coverage slightly to 26.5%, where it is currently nonconforming.

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.*
- Planning Department Comments* 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.