

EAST LONGMEADOW ZONING BOARD OF APPEALS

MEETING NOTICE

Date: May 13, 2019

Time: 6:30 PM

Place: Library Conference Room
60 Center Square, East Longmeadow, MA

MINUTES

Chairman Beglane opened the meeting at 6:30 and called the roll.

OTHER BUSINESS:

The Chair introduced Daniel Plotkin, the new associate member of the Zoning Board of Appeals

Election of Officers:

Mark Beglane was voted to remain the Chair of the Zoning Board of Appeals by a vote of 4-0.

Associate Member Charles Gray was reappointment from Clerk to Vice Chair. Brian Hill was reappointed to Clerk.

CALL THE ROLL:

Present: Mark Beglane, Chairman; Brian Hill, Clerk; James Channing; Francis Dean; Daniel Plotkin

Absent: Charles Gray, Vice Chair

Staff Present: Constance Brawders, Planning and Community Development Director;
Bethany Yeo, Planning and Community Development Administrative Assistant

APPROVAL OF MINUTES:

February 11, 2019

Motion to approve the February 11, 2019 minutes made by Francis Dean; second by Brian Hill by a vote of four (4) - zero (0). Daniel Plotkin abstained from the vote as he had not been present at the 2-11-2019 meeting as an appointed member of the Zoning Board of Appeals.

PUBLIC HEARINGS:

1. CASE ZAA 2019-01 Administrative Appeal for 392 Porter Road

Administrative appeal for notice of violation under the provisions of the East Longmeadow Zoning Bylaw Section 3.02 General Use Regulations, 3.092 Garaging or Parking of Commercial Vehicles at 392 Porter Rd (Assessor's ID 70-2-0) located in the Res A zoning district. Applicant: Steve Setian, 392 Porter Rd, East Longmeadow, MA 01028.

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact Constance Brawders at 413-525-5400 x 1701 or (constance.brawders@eastlongmeadowma.gov) or MassRelay 711. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed.

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The Chair announced that the applicant had requested a continuance to the June 10, 2019 Zoning Board of Appeals meeting. This case had previously been postponed from the April 8, 2019 meeting because the fee for advertising in a newspaper of general circulation had not been paid by the applicant.

2. Case ZV 2019-02: Request for Variance at 678 Parker Street for Side Yard Setback

Request by Applicant for Variance under East Longmeadow Zoning By-law Table 3-2 Table of Dimensional & Density Regulations for relief from side yard setback requirements of 20 feet to 16 feet to allow for the expansion of a garage area at 678 Parker Street (Assessor's parcel ID 59-5-0) in the Res A zoning district. Applicant: Derrick McLaughlin, 678 Parker Street, East Longmeadow, MA 01028.

3. Case ZV 2019-03: Request for Variance at 678 Parker Street for Front Yard Setback

A request by Applicant for Variance under East Longmeadow Zoning By-law Table 3-2 Table of Dimensional & Density Regulations for relief from the 50-foot front yard setback requirements, on a preexisting non-conforming structure having a 46-foot setback, to 41 feet to allow for the construction of a porch at 678 Parker Street (Assessor's parcel ID 59-5-0) in the Res A zoning district. Applicant: Derrick McLaughlin, 678 Parker Street, East Longmeadow, MA 01028.

Case ZV 2019: 02 and Case ZV 2019-03 were heard concurrently. The legal notices were read into the record and it was confirmed that notice had been sent to all of the abutters.

Chair Beglane asked if anyone was available to discuss specifics of the appeal. Representing the Variance petition to the Board was applicant/petitioner Derrick McLaughlin, with support by joint tenant, Joseph McLaughlin, who is the applicant's father, and other family members.

The petitioner explained that a tree had fallen on his house after a storm event. He was before the ZBA to seek a Variance [Case ZV 2019-02] from side yard setback requirements of 20 feet to 16 feet to allow for the expansion of a garage area to create additional protected parking, in the rebuilding efforts on the irregular-shaped lot. The petitioner also sought relief [Case ZV 2019-03] from the 50-foot front yard setback requirements, on a preexisting non-conforming structure having a 46-foot setback to 41 feet, to allow for the construction of a front-yard facing porch.

[The petitioner noted on the application before the ZBA that the driveway is subject to icy conditions during the winter months, making for unsafe passage for accessing the family motor vehicles parked in the driveway. The dimensional increase to the existing portico would allow for the construction of a front porch, plus another doorway for access from the interior space to the garage area and storage above the garage parking area.]

Continuing the discussion [Case ZV 2019-03], the applicant elaborated there is a hardship based on where the structure is sited on the irregular parcel that does not allow for expansion of the porch without encroaching within the 50 foot front setback. The pre-existing, non-conforming structure has a front yard setback of 46 feet in a Res A zoning district which stipulates set back from the road must be a

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minimum of 50 feet. The applicant sought relief for a total of (ten) 10 feet in order to expand the existing portico and create a safe passage way between the dwelling and garage.

The public hearing was open for comment. No one spoke in favor or in opposition of the items. The public hearing was closed with motion made by Board member B. Hill; seconded by Board member F. Dean (5-0).

The Chair explained that a variance may be granted only if the Board finds that owing to circumstances relating to the soil conditions, shape or topography of land or structures and especially affecting such land or structures but not generally affecting the zoning district in which they are located, a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the Petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

A variance is permission to depart from the literal enforcement of the Zoning Bylaw with respect to setback, side yard, frontage and lot size, but not involving use or structures.

The Zoning Board of Appeals found:

Specific to Case ZV 2019-02 and the petition by Applicant for Variance under East Longmeadow Zoning By-law Table 3-2 Table of Dimensional & Density Regulations for relief from side yard setback requirements of 20 feet to 16 feet to allow for the expansion of a garage area at 678 Parker Street (Assessor's Parcel ID 59-5-0) in the Res A zoning district:

There is a hardship based on where the structure is sited on the irregular parcel that does not allow for expansion of the garage area to accommodate a second vehicle without encroaching within the side setback requirements.

The ZBA, therefore, granted relief from the side setback area by decreasing the side yard setback from twenty (20) feet to sixteen (16) feet to allow for the expansion of the garage and storage space, as shown on plans, drawings, and petition as represented.

The Chair noted that the existing structure's location on the parcel and irregular shape of the lot satisfied a petition for hardship as it addressed the safety concerns of the growing McLaughlin family in constructing the proposed improvements on the Parker Street arterial road.

Regarding the purpose of meeting the public good, the Chair considered vehicular ingress and egress by the land owner to and from the site as a benefit to the public safety in granting the petition for garage expansion.

Specific to Case ZV 2019-03 and the petition by Applicant for Variance under East Longmeadow Zoning By-law Table 3-2 Table of Dimensional & Density Regulations for relief from the 50-foot front yard setback requirements, on a preexisting non-conforming structure having a 46-foot setback, to 41 feet

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to allow for the construction of a porch at 678 Parker Street (Assessor's parcel ID 59-5-0) in the Res A zoning district:

There is a hardship based on where the structure is sited on the irregular parcel that does not allow for expansion of the porch without encroaching within the 50 foot front setback. There is a pre-existing non-conforming structure having 46 foot front yard setback in the Res A zoning district which stipulates set back from the road must be a minimum of 50 feet. The applicant sought relief for a total of (ten) 10 feet in order to expand the existing portico and create a safe passage way between the dwelling and garage.

The ZBA granted relief from the front yard setback by decreasing the front yard setback to 40 feet off the property line to allow for the expansion of the portico to create a covered porch, as shown on plans, drawings, and petition as represented.

Regarding the purpose of meeting the public benefit, the Chair considered the variance for setback as serving a public purpose in meeting the current standards of use as exemplified by neighboring properties.

Based on review of the submitted petition, the Zoning Board of Appeals **Approved** the petition for **Variance under Town of East Longmeadow Zoning By-laws, § VII-Administration and Enforcement, 7.0 Zoning Board of Appeals, 7.03 Variances, and Zoning By-law Table 3-2 Table of Dimensional & Density Regulations for Case ZV 2019-02** for relief from side yard setback requirements of 20 feet to 16 feet to allow for the expansion of the garage with storage area above at 678 Parker Street (Assessor's Parcel ID 59-5-0) in the Res A zoning district.

On a motion by Zoning Board of Appeals member Brian Hill, and second by Zoning Board of Appeals member Francis Dean, the vote carried five (5) to zero (0) with members Mark Beglane, Francis Dean, Brian Hill, Daniel Plotkin, and Associate member James Channing voting unanimously in the affirmative to approve the application for Variance for **Case ZV 2019-02** by the petitioner.

Concurrently, based on review of the submitted petition, the Zoning Board of Appeals **Approved** the petition for **Variance under Town of East Longmeadow Zoning By-laws, § VII-Administration and Enforcement, 7.0 Zoning Board of Appeals, 7.03 Variances, and Zoning By-law Table 3-2 Table of Dimensional & Density Regulations for Case ZV 2019-03** for relief from the 50-foot front yard setback requirements, on a preexisting non-conforming structure having a 46-foot setback, to 40 feet to allow for the construction of a porch at 678 Parker Street (Assessor's parcel ID 59-5-0) in the Res A zoning district.

On a motion by Zoning Board of Appeals member Brian Hill, and second by Zoning Board of Appeals member Francis Dean, the vote carried five (5) to zero (0) with members Mark Beglane, Francis Dean, Brian Hill, Daniel Plotkin, and Associate member James Channing voting unanimously in the affirmative to approve the application for Variance **Case ZV 2019-03** by the petitioner.

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OTHER BUSINESS:

4. Sale of Comprehensive Housing Unit located at 7 Schuler Drive (Benton Estates)
Planning and Community Development Director C. Brawders advised the ZBA of the sale of 7 Schuler Drive in Benton Estates, as the property site was developed under MGL Chapter 40B [which enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if at least 20-25% of the units have long-term affordability restrictions]. The Director informed the ZBA that Town Council did not exercise first right of refusal to purchase the property.

ADJOURN: The Zoning Board of Appeals adjourned at 7:15 PM by a vote of five (5) - zero (0).

DATE OF NEXT MEETING

The next scheduled meeting of the Zoning Board of Appeals is June 10, 2019



Brian Hill, Clerk



Date

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