

SEP 27 2023

Town of Leicester
Development & Inspectional Services

September 27, 2023

V – 2023-11

Jim Buckley, Chair
Zoning Board of Appeals
City Hall
3 Washburn Square
Leicester, MA 01524-1333

Re: Submission for Variance Application
Petitioner: Alex D. Joseph
Property: 747-749 Pleasant Street, Rochdale, Leicester, Massachusetts

Dear Mr. Buckley:

On behalf of the Petitioner, Alex D. Joseph, attached hereto please find an Application for Variance pertaining to land at 747-749 Pleasant Street, Leicester, Massachusetts. I am enclosing herewith three (3) copies of the following:

1. Variance Application;
2. Certified List of Abutters as prepared by the Leicester Assessor;
3. Plan of Land;
4. A USB Drive with a copy of the items being submitted; and
5. A check in the amount of \$175.00 representing the associated filing fees.

If you need any further documentation or have any required needs in order to schedule this matter for public hearing, please advise at your earliest convenience.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Matthew J. Eckel, Esq.

Fletcher Tilton PC
The Guaranty Building
370 Main Street, 11th Floor
Worcester, MA 01608
Tel. 508.459.8097
Fax. 508.459.8397
Email: meckel@fletcherilton.com

Enclosures MJE:bw

Client Files/054269/00001/04975012.DOCX, 2

FletcherTilton.com

**Leicester Zoning Board of Appeals
Special Permit & Variance Application Form**

SEP 27 2023

Town of Leicester
Development & Inspectional Services


PERMIT TYPE: ☐ Special Permit ☒ Variance

Date: 9/25/2023


V – 2023-11

CONTACT INFORMATION

Property Owner:

Name:	Alex D Joseph		
Company Name:	N/A		
Signature:			
Address:	747-749 Pleasant Street, Leicester (Rochdale), MA 01542		
Phone:	508-826-4782	Email:	alexjoseph6792@yahoo.com

Applicant:

Name:	Alex D Joseph		
Company Name:	N/A		
Signature:			
Address:	747-749 Pleasant Street, Leicester (Rochdale), MA 01542		
Phone:	508-826-4782	Email:	alexjoseph6792@yahoo.com

Primary Contact Person: *(The person that will be contacted by Town staff during the application process.)*

Name:	Matt Eckel		
Company Name:	Fletcher Tilton PC		
Address:	370 Main Street, Worcester, MA 01608		
Phone:	508-459-8097	Email:	meckel@fletchertilton.com

PROJECT INFORMATION

Project Address:	747-749 Pleasant Street, Leicester (Rochdale), MA 01542	Zoning District:	Greenville Village NBHD Business
Assessors Map & Parcel #	43B-B4-0		
Deed Reference (Book/Page):	Bk. 63001, Pg. 373		
Size of Proposed Structures:	N/A - Preexisting	Total Lot Area:	.206 acres
Water Source:	Public	Sewer Source:	Public
Applicable Zoning Bylaw Section(s):	4.3.01 (No existing lot shall be change to violate Section 4.2 - Minimum Area)		

Brief Project Description:

Please include a brief description on this form (i.e. do not write "see attached"). *[Examples: construction of a 10' x 20' shed in the front yard of an existing home; installation of a 60s.f. freestanding sign (special permit required to exceed 50 s.f.)]*

Seeking to convey approximately 279 square feet from the existing lot at 747-749 Pleasant Street to the abutting parcel at 2-4 Hankey Street to allow for continued use of the land at 2-4 Hankey Street as a driveway. No other changes proposed to the lot or the structure.

PROJECT INFORMATION, Continued**State Briefly Reasons for Variance or Special Permit:**

See Zoning Board of Appeals Instructions for Variance and Special Permit Applications. You may use the space below and/or attach additional pages as necessary to fully describe the application and reasons for the variance or special permit.

The applicant is seeking a variance relating to the minimum area requirement as stated in Section 4.2 Schedule of Dimensional Requirements - Table I. The required lot size within a Greenville Village Neighborhood Business Subdistrict (NB) is 20,000 square feet. Currently, the subject lot contains approximately .206 acres or 8,990 square feet. The lot contains an existing residential structure which was erected in 1950 per the Town of Leicester Assessment. Following the purchase of the property, the Applicant discovered a portion of the lot at 747-749 Pleasant Street was being utilized by the abutter at 2-4 Hankey Street as part of their driveway, which directly abuts the property. The resulting disagreement between the parties led to the commencement of litigation by the owner of 2-4 Hankey Street. Since that time, the parties have agreed to settle this matter amicably and the Applicant wishes to convey approximately 279 square feet of his land at 747-749 Pleasant Street to the property at 2-4 Hankey Street, to enable the property owners to formally acquire this section of the property and continue to use it as part of their driveway.

Although this proposal will bring the lot at 747-749 Pleasant Street slightly further into non-conformity, it will provide additional square footage to the non-conforming lot at 2-4 Hankey Street and we believe is a reasonable resolution to the disputed portion of the property. Additionally, the topography of the subject 279 square feet of land slopes down significantly from Pleasant Street towards Hankey Street such that the land appears to naturally align with 2-4 Hankey Street. Further, a number of surrounding lots are of similar sizes and the de minimis change in lot size at 747-749 Pleasant Street will not affect the zoning district or change the character of the neighborhood. Finally, the relief may be granted without substantial detriment to the public and without nullifying or substantially derogating from the intent or purpose of this zoning by-law but rather provides a reasonable and equitable result for the Applicant and the abutting property, based upon the past use of the properties.

APPLICATION CHECKLIST:

Use this checklist to ensure you have provided all required information.

Three (3) copies of all paper submittals are required except where noted.

<input type="checkbox"/> Application Form	<input type="checkbox"/> Any supplemental information where applicable (letters, detailed project information, etc.)	<input type="checkbox"/> Plans (1-full-size & 2 11"x17")
<input type="checkbox"/> Certified Abutters List (1 copy)	<input type="checkbox"/> Fee (\$175) - check payable to the Town of Leicester	<input type="checkbox"/> .pdf copy of <u>all</u> submitted documents (CD or USB Drive)

Submit the full application to the Town Clerk's Office