

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, February 14, 2023 at 6:00 p.m.

IN RE: 23-06 Petition of DWAYNE JEFFERS, 15 Arthur Street, Brockton, MA, for a Variance seeking relief from Sec. 27-9, 27-28 & 27-39, to extend a non-conforming use by creating a duplex in a C-1 Zone, located at 15 ARTHUR STREET

PETITIONER'S STATEMENT: Attorney Philip Nessaralla and Land Surveyor Scott Faria presented to the Board Exhibit A Plot Plan, Exhibit B Floor Plans. Attorney Nessaralla stated the owner is seeking to expand his dwelling into a duplex with a two-bay garage. The property will be smaller than other dwellings in the neighborhood.

OPPOSITION: An adjacent property owner expressed concerns that any vehicle parking for the Arthur St. locus shall not negatively impact the parking lot of the adjacent property.

DECISION: Granted

BASIS: After reviewing the application, plans, information submitted, individual site visitations and giving due consideration to testimony given at the public hearing the Board found that the C-2 Zones locus has a pre-existing residential use as a single-family dwelling where the petitioner cannot reasonably make use of the property for its intended C-2 use in the manner allowed by the zoning ordinance within the C-2 allowed uses. The locus is surrounded by single and multi-family dwellings of similar size and use and its development as a C-2 use is unlikely. The lot has unique size and shape, Section 27-48, and granting a use variance for the requested expanded use to create a duplex dwelling use incorporating the current dwelling represents an acceptable use of the locus as a residential use and will not negatively impact the orderly development of the neighborhood as developed and shown on plans submitted and dated 11/28/22. An adjacent property owner expressed concerns that any vehicle parking for the Arthur St. locus shall not negatively impact the parking lot of the adjacent property. The plans presented for the Arthur St. locus depict sufficient off-street on-site parking for the proposed use. All representations in the petitioner's statement and plans submitted shall be incorporated by reference as stipulations recorded herewith to include the recorded fifteen (15) foot right of way allowing access from Arthur St. to #17 Arthur St. from #15 Arthur St.

NOTE:

Motion to Grant by: James Sweeney
Seconded by: Brian Nardelli, Fire Chief

IN FAVOR: 4

Brian Nardelli, Fire Chief


Steven Lainas

James Sweeney

Monique Screen-Berry

OPPOSED: 1

Kenneth Galligan, Chairman


Timothy Cruise, City Clerk


James Plouffe, Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAR 17 2023 PURSUANT
TO M.G.L.C. 40A SECTION 17.

RECEIVED

2023 MAR -2 P 1:27

CITY CLERK'S OFFICE
BROCKTON, MA.

RECEIVED AND FILED: March 23, 2023

I, TIMOTHY J. CRUISE, CITY CLERK OF BROCKTON, MASSACHUSETTS, HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPSED AND NO APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 17.

CITY OF BROCKTON
BOARD OF APPEALS
MARCH 22nd 2023

NOTICE OF VARIANCE

Conditional of Limited Variance or Special Permit
(General Laws Chapter 40A, Section 18 as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted.

To: DWAYNE JEFFERS

Owner or Petitioner

Address: 15 ARTHUR STREET

City or Town: BROCKTON, MA 02302

PLOT 58 ARTHUR STREET

Identify Land Affected

By the City of Brockton Board of Appeals affecting the rights of the owner with respect to the use of the premises on:

PLOT 58 ARTHUR STREET BROCKTON MA (#15 ARTHUR STREET)

Street

City or Town

The record title standing in the name of:

JEFFERS DWAYNE

whose address is 15 ARTHUR STREET BROCKTON MA

Street

City or Town

State

By a deed duly recorded in the Plymouth County Registry of Deeds

In Book 32619 Page 2 Registry District of Land Court

Certificate No. _____ Book _____ Page _____

The decision of said Board is on file with the papers in Case No. _____ in the office of the Brockton City Clerk

Certified this 22nd day of MARCH 2023

, Chairman
BOARD OF APPEALS

, Clerk
BOARD OF APPEALS

_____ 20 _____ at _____ o'clock and _____ minutes

Received and entered with the Register of Deeds in the County of Plymouth

Book _____ Page _____ Attest _____

Registrar of Deeds

Notice to be recorded by Land Owner

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, February 14, 2023 at 6:00 p.m.

IN RE: 23-04 Petition of **LEONIDE POLLAS**, 54 Dyer Street, Brockton, MA, for a Variance, seeking relief from Sec. 27-39, to add an addition to existing dwelling in an I-I Zone, located at **54 DYER STREET**.

PETITIONER'S STATEMENT: Attorney Sean Murphy presented to the Board on behalf of Owner Leonide Pollas, Exhibit A, Plot Plans and Exhibit B Floor Plans. Mr. Murphy stated the owners are seeking to add an addition which will consist of a master bed room and bath. The property will have four (4) parking spaces.

OPPOSITION: None

DECISION: Granted with the stipulations, 1. The proposed residential expansion shall maintain the current single family only dwelling. 2. The agreed replacement of the north property line fence of not over six feet in height. 3. Green space as shown shall remain in the front yard and parking shall provide on-site as shown.

BASIS: After reviewing the application, plans, information submitted, individual site visitations and giving due consideration to testimony given at the public hearing the Board found a hardship to the petitioner where the locus is situated in an I-2 Zone, Industrial Uses zone, that has been used as Residential use for many years. The surrounding neighborhood consists of single and multi-family dwellings the locus has a very difficult future for any I-2 Use and as results, the petitioners cannot reasonably make use of the I-2 Zone allowed uses due to the unique size of the lot. Granting a Use Variance for the requested Residential use expansion to maintain the current single-family dwelling to provide additional living space represents the best continued use of the locus as a Presidential Use would not derogate from the intent of the Zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations statement shall be incorporated by reference as stipulations recorded herewith including plans submitted and dated 10/20/22, the proposed residential expansion shall maintain the current single family only dwelling and the agreed replacement of the north property line fence of not over six feet in height. Green space as shown shall remain in the front yard and parking shall provided on-site as shown. The adjacent neighbor at 50 Dyer St. requested that a previously damaged fence be replaced and all parties agreed. No opposition was presented at hearing.

VOTE:

Motion to Grant by: Brian Nardelli, Fire Chief
Seconded by: James Sweeney

IN FAVOR: 4

Kenneth Galligan, Chairman

Steven Lainas

James Sweeney

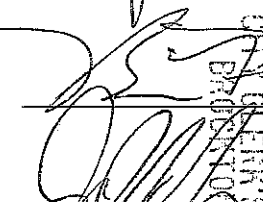
Monique Screen-Berry

OPPOSED: 1

Brian Nardelli, Fire Chief


Timothy Cruise, City Clerk

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James Plouffe, Clerk

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COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, February 14, 2023 at 6:00 p.m.

IN RE: 23-05 Petition of **MICHAEL HAIKAL** C/O 1325 Belmont Street, Brockton, MA, for a Variance, seeking relief from Art. III, Sec. 27-29, to construct a two-family residence in a C-2 Zone, located at **PLOT 231 PLEASANT STREET**.

PETITIONER'S STATEMENT: Attorney Chris Vale and Land Surveyor Scott Faria, presented to the Board Exhibit A, Plot Plan and Exhibit B Building Plans. Attorney Vale stated the vacant lot located in a C-2 zone is surround by residential homes and a commercial property would not be the best use. The newly constructed two-family dwelling will consist of seven (7) bedrooms.

OPPOSITION: None

DECISION: Granted

BASIS: After reviewing the application, plans, information submitted, individual site visitations and giving due consideration to testimony given at the public hearing the Board found that locus is vacant land located in a C-2 Zone and currently surrounded by residential homes of similar size and use. Development of a C-2 use at the locus is very unlikely and a C-2 use would not be in the best interest of the neighborhood. The lot has very unique size, shape and soil conditions, Section 27-48, and granting a Use Variance for the requested use for a two family dwelling with seven (7) bedrooms represents the best use of the locus as a Residential Use, would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood as currently developed and shows on plans submitted and dated 1/09/23 showing the split zoned lot encompassing both C-2 and R-1-C Zoning. All representation in petitioners' statements, including proposed exterior architectural lighting, shall be incorporated by reference as stipulations recorded herewith. There was no opposition to the proposed development presented at the hearing and a letter of support in favor was received from Ward 1 City Councilor Thomas Minichiello.

NOTE:

Motion to Grant by: James Sweeney
Seconded by: Brian Nardelli, Fire Chief

IN FAVOR: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

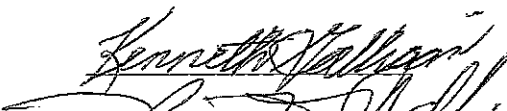
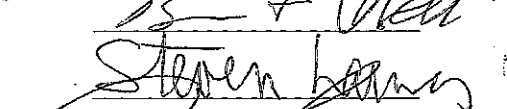
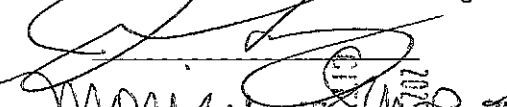
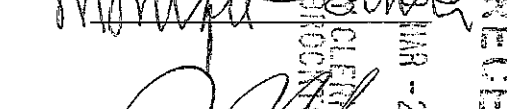

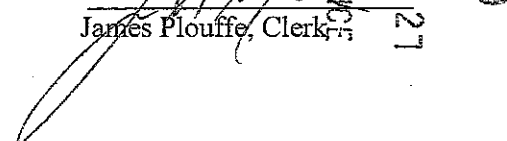
Steven Lainas

James Sweeney

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OPPOSED: 0


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