

Zoning Board of Appeals Minutes, 09/07/2016

Zoning Board of Appeals Minutes September 7, 2016 Landuse Meeting Room

Members present: Acting Chair Shawn Leary Considine, (SLC); Robert Fuster, Sr., (RF) Robert Fuster Jr., (RFjr); Ned Douglas, (ND); Clifford Snyder, (CS)

Staff present: Gwen Miller, Land Use Director/Town Planner; Peggy Ammendola, Land Use Clerk (PA)

Frank Tabakin, 33 Hubbard Street (Map 47, Parcel 21), Special Permit under Section 3.3.5 "Nonconforming Single and Two Family Residential Structures" of the Lenox Zoning Bylaw to extend an existing front porch in the direction of the driveway and approximately 6' further into the side setback.

One letter of support was received and it was from Paul and Franki Mahoney. Donna Collins, a next door neighbor, reviewed the plan before the meeting. She advised that she supported the Tabakin's petition. There were no members of the public for the hearing.

Mr. Tabakin presented his application which included plans and photographs. His wife uses a wheelchair and extending the porch will allow her better access. This proposal will not increase the pre-existing non-conformity.

RF made a motion to close the public hearing. CS seconded the motion and the public hearing was closed.

CS made a motion to grant the petition in order to extend the front porch. RF seconded the motion. The Board discussed the proposal and agreed that the extension complies with the special permit bylaw, it will be more accessible and would contribute to the betterment of the neighborhood. The Board voted to approve 5-0.

Navin Shah, HKN, Inc., 462 Pittsfield Road (Map 50, Parcel 10), Special Permit under Section 3.3.2 "Nonconforming Use" to convert laundry and storage space of the motel into two (2) studio apartments for employees of the motel.

Present was Mr. Shah and Attorney Andrew Hochberg. Attorney Hochberg said that a prior modification of a Special Permit dated December 7, 1994 was allowed on March 26, 2003 to expand a dwelling unit, for his family. There will be no increase in the footprint, traffic patterns or impacts on utilities. This will be a modification of a nonconforming use.

Attorney Hochberg reviewed the plans. There will be one studio apartment on the first floor and one on the second floor. Each will consist of a bedroom with room for a double or queen size bed and a chair, a bathroom and small kitchenette. The area measures 12'x18'. The area where the units are located are about 100 feet from the back property line. The units are to be provided to 2-3 employees at no cost to the employees and will not be used as rentals for non-employees. An advantage to having employee quarters onsite is to be available to motel guests at all hours.

An apartment in Lenox is a minimum of 700 square feet, but GM stated that as she understands, this area was being used as living area for employees and this is adapting space to bring a code issue into compliance. There are studio apartments in town that are smaller than the minimum, but are in pre-existing buildings.

Mr. Shah said that he has met with the Building Commissioner and Fire Marshall who told him what he needed to do and the plans were developed accordingly.

RFjr said that he is concerned because the 2003 decision referenced a single family residence and he feels this becomes a multifamily use. Attorney Hochberg disagreed, saying that the studios are not a part of Mr. Shah's residence which will remain single family.

RF made a motion to close the public hearing. RFjr seconded the motion and the Board voted to agree 5-0.

RF made a motion to allow the special permit under Section 3.3.2 to convert the existing laundry and storage space into two non-transient studio apartments for employees of the motel. RFjr seconded the motion and the Board voted to agree 5-0.

SLC said that this meets the requirement for a special permit. It is a pre-existing non-conforming building and an adaptive reuse to allow space in a way that is productive for the owner, the building and employees. The space is smaller than usual but limited to employees and not to the general public. RFjr added that the applicant submitted with the petition a two page argument which is on point as to why it meets requirements.

RF made a motion to condition the special permit that that the apartments would be used for non-transients and only for employees. RFjr seconded the motion and the Board voted to agree 5-0.

There were no members of the public present and no correspondence.

Minutes:

July 6, 2016-RF made a motion to approve and SLC seconded the motion. The Board voted to agree 3-0.

(There was no meeting on July 20th.)

August 3, 2016-SLC AH CH JH RF-Tabled as there wasn't a quorum.

August 17, 2016-EB CH AH RF CS- Tabled as there wasn't a quorum.
August 29, 2016 -SLC AH CH JH RF- Tabled as there wasn't a quorum.

Respectfully submitted,
Peggy Ammendola