



## VARIANCE CHECKLIST

### CITY OF WORCESTER ZONING BOARD OF APPEALS

455 Main Street, Room 404, Worcester, MA 01608  
Phone 508-799-1400 ext. 31440 - Fax 508-799-1406

#### STEP 1: PROVIDE DIGITAL COPIES OF THE FOLLOWING ITEMS IN PDF FORMAT VIA EMAIL TO [PLANNING@WORCESTERMA.GOV](mailto:PLANNING@WORCESTERMA.GOV) AND CONFIRM WITH DPRS STAFF BEFORE SUBMISSION OF ONE (1) PHYSICAL COPY BY HAND DELIVERY OR MAIL:

- Application** with original signatures by all petitioners/owners.  
If you are not the owner of subject property, it is recommended that you provide supporting information such as a lease or a purchase and sale agreement that shows your interest in the property.
- Zoning Determination Form** obtained from the Inspectional Services Division (ISD)  
(Email [inspections@worcesterma.gov](mailto:inspections@worcesterma.gov) or call 508-799-1198 for more information.)
- A **Certified Abutters List(s)** issued within 3 months of this application's filing date which includes all properties affected and includes any contiguous, commonly owned property(s). This can be obtained from the Assessor's Office and includes all abutters and abutters to abutters within 300' of the edge of the landowner's property.  
*Note: If the property(s) is within 300 ft. of another town, an abutters list from that town may be required.*
- If the applicant is NOT the Owner, the **Owner(s) Authorization** for the applicant to apply is attached (page 4)
- Certification of Tax/Revenue Collection Compliance**  
All current owners of subject property and applicants must certify that all local taxes, fees, assessments, betterments, or any other municipal charges of any kind are current with the City Treasurer's Office (page 7)
- A **Site Plan** showing the full project scope and all elements listed on page 8 of this application, stamped, and signed by all applicable professionals
- Architectural drawings or renderings** showing exterior elevation, height in feet and stories, exterior materials for all structures, and corresponding floor plans stamped and signed by all applicable professionals, if applicable

**Note:** Any application items not produced electronically, such as hand-drawn plans or schematics, handwritten applications, or other materials created prior to March 2013 that are not available to the applicant in electronic format, are not required to be submitted electronically.

#### STEP 2: ONCE STAFF CONFIRMS VIA EMAIL REPLY THAT YOUR APPLICATION IS COMPLETE, SUBMIT THE FOLLOWING TO DPRS:

- A. Two Sets of Stamped **Envelopes** with Assessor's Address Labels for abutters and applicant.
- Request two (2) sets of Assessor's Address Labels (listing all abutters and abutters to abutters) from the Assessor's Office (2<sup>nd</sup> floor, City Hall)-prepared for a fee
  - Create two (2) separate sets of stamped envelopes with Assessor's labels.
  - Include two stamped, addressed envelopes for each applicant.
  - The return address on the envelopes should be: City of Worcester, Division of Planning and Regulatory Services; 455 Main Street, Room 404; Worcester, MA 01608
  - These envelopes will be used to send notices of the public hearing and outcome.
- B. **Appropriate fee.** Please make checks payable to the City of Worcester and list your project number on the memo line. Please confirm amount with staff prior to submission.



**VARIANCE APPLICATION**

**CITY OF WORCESTER ZONING BOARD OF APPEALS**

455 Main Street, Room 404, Worcester, MA 01608  
 Phone 508-799-1400 ext. 31440 - Fax 508-799-1406

Fill in information for the Variances (s) you are applying for. Attach additional documentation as necessary.

Address: 51 Harding Street, Worcester, MA 01604

Parcel ID or MBL: 04-016-00003

If more than one structure on the lot, identify relevant structure requiring relief: \_\_\_\_\_

Lot Area		Front Yard Setback		Rear Yard Setback	
Square footage required:		Setback required:		Setback required:	
Square footage provided:		Setback provided:		Setback provided:	
Relief requested:		Relief requested:		Relief requested:	
Frontage		Side Yard Setback		Exterior Side Yard Setback	
Frontage required:	80 ft.	Setback required:		Setback required:	
Frontage provided:	64.58 ft.	Setback provided:		Setback provided:	
Relief requested:	15.42 ft.	Relief requested:		Relief requested:	
Off-street Parking		Height		Accessory Structure 5-foot Setback	
Parking required:		Height permitted:		Type of structure:	
Parking provided:		Height provided:		Square footage of structure:	
Relief requested:		Relief requested:		Relief requested:	
Off-street Loading		Other Variances			
Loading required:		Relief requested:			
Loading provided:		Zoning Ordinance Article & Section:			
Relief requested:		Requirement:			
		Provided:			

**If you are requesting Variances for more than one structure or lot, provide this sheet for each structure/lot. Only complete the sections pertaining to the Variances (s) you are applying for.**

**1. Property Information**

- a. 51 Harding Street, Worcester, MA 01604  
Address(es) – please list all addresses the subject property is known by
- b. 04-016-00003  
Parcel ID or Map-Block-Lot (MBL) Number
- c. Worcester District Registry of Deeds, Book 58931 Page 180  
Current Owner(s) Recorded Deed/Title Reference(s)
- d. BG-3.0; CCOD-C; USOD; and DSOD  
Zoning District and all Zoning Overlay Districts (if any)
- e. The property currently contains approximately 5,064 square feet of land and a 3-story approximately 4,712 square foot historic commercial building known as the "M. Goldstein Scrap Metal Co." building.  
Describe what is presently located on the property (Use as much detail as possible including all uses and square footage of each use):
- f. There presently exists no residences and the Project contemplates two (2) one-bedroom units on the second and third floors of the existing building.  
If residential, describe how many bedrooms are pre-existing and proposed

**2. Applicant Information**

- a. Williston Development, LLC  
Name(s)
- b. 33 Southgate Street, Worcester, MA 01610  
Mailing Address(es)
- c. mborenstein@bowditch.com; (508) 688-9136  
Email and Phone Number(s)
- d. Owner  
Interest in Property (e.g., Lessee, Purchaser, etc.)

**I certify that I am requesting the Worcester Zoning Board of Appeals to grant the Variance as described below**

Williston Development, LLC


By:  , its Manager  
(Signature) Nathan K.F. Smith

**3. Owner of Record Information (if different from Applicant)**

- a. Same  
Name(s)
- b. \_\_\_\_\_  
Mailing Address(es)
- c. \_\_\_\_\_  
Email and Phone Number

**4. Representative Information**

a. Mark A. Borenstein, Esq.  
Name(s)

b.   
Signature(s)

c. Bowditch & Dewey, LLP, 311 Main Street, Worcester, MA 01608  
Mailing Address(es)

d. mborenstein@bowditch.com; (508) 688-9136  
Email and Phone Number

e. Attorney  
Relation to Project (*Architect/Attorney/Engineer/Contractor, etc.*)

**5. Owner Authorization**                      N/A

Authorization I, \_\_\_\_\_, Owner of Record of the property listed with the Assessing Division of the City of Worcester, Massachusetts as Map \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_, do hereby authorize \_\_\_\_\_ to file this application with the Division of Planning & Regulatory Services of the City of Worcester on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**6. Proposal Description**

The Applicant seeks a residential conversion for a mixed-use development in connection with the redevelopment of the Existing Building into a mixed-use building with approximately 905 square feet of ground floor retail space, two (2) one-bedroom dwelling units (one unit on both the second and third floors) and a residential roof deck amenity space (the "Project"). The Project also contemplates the addition of an elevator, elevator lobby and elevator control room

a. for the residential component and other related site improvements. See Statement in Support for more information.

The applicant seeks to (Describe what you want to do on the property in as much detail as possible)

b. No.  
Are you aware if this property has been previously granted approvals from any City Board or Commission? If so, please list (Provide dates of previous approvals, book and page numbers and/or certificate numbers of any recorded decisions and/or recorded/registered land. Also, please provide copies of previous recorded decisions)

d. Unknown  
Have you applied for or are you aware if other applicants have applied for a Building Permit for this site and been refused for non-compliance with the Zoning Ordinance (e.g., a cease-and-desist order has been issued)?

e. Please see Statement in Support.  
List any additional information relevant to the Variance (s)

### VARIANCE - FINDINGS OF FACT

**In the spaces below, please explain how the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations per Article II, Section 6(A)(3) of the Zoning Ordinance. *Attach additional supporting documentation as necessary.***

1. Describe how a literal enforcement of the provisions of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant:

Please see Statement in Support.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located:

Please see Statement in Support.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance:

Please see Statement in Support.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants, or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship:

Please see Statement in Support.

**TAX CERTIFICATION**

This certification must be completed by all applicants and owners of the property, certifying payment of all local taxes, fees, assessments, betterments, or any other municipal charges of any kind. Failure to include a completed certification shall result in the application being deemed incomplete.

**If a Single Owner or Proprietorship:**

- a. \_\_\_\_\_  
Name
- b. \_\_\_\_\_  
Signature certifying payment of all municipal charges
- c. \_\_\_\_\_  
Mailing Address
- d. \_\_\_\_\_  
Email and Phone Number


**If a Partnership or Multiple Owners:**

- e. \_\_\_\_\_  
Names
- f. \_\_\_\_\_  
Signatures certifying payment of all municipal charges
- g. \_\_\_\_\_  
Mailing Address
- h. \_\_\_\_\_  
Email and Phone Number

**Applicant, if different from owner:**

- i. \_\_\_\_\_  
Printed Name & Signature of Applicant, certifying payment of all municipal charges

**If a Corporation or Trust:**

- j. Williston Development, LLC  
Full Legal Name
- k. MA 33 Southgate Street, Worcester, MA 01610  
State of Incorporation Principal Place of Business
- l. 33 Southgate Street, Worcester, MA 01610  
Mailing Address or Place of Business in Massachusetts  
Williston Development, LLC Nathan K.F Smith
- m. By:  its Manager  
Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges
- n. \_\_\_\_\_  
Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges
- o. \_\_\_\_\_  
Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges
- p. \_\_\_\_\_  
Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges

**Statement in Support of Williston Development, LLC**  
**Application to City of Worcester Zoning Board of Appeals for Variance from Minimum**  
**Frontage for Mixed-Use Project at**  
**51 Harding Street, Worcester, Massachusetts**

**I. Background, Project Scope.**

Williston Development, LLC (the “Applicant”) owns a parcel of land known and numbered as 51 Harding Street, Worcester, Massachusetts, (the “Property”)<sup>1</sup> which property currently contains approximately 5,064 square feet of land and a 3-story approximately 4,712 square foot historic commercial warehouse building known as the “M. Goldstein Scrap Metal Co.” building (the “Existing Building”)<sup>2</sup>. The Property is located entirely within the Business, General (BG-3.0) zoning district, the Commercial Corridors Overlay District-Canal District Subarea (“CCOD-C”), the Union Station View Corridor Sign Overlay District (“USOD”), and the Downtown/Blackstone Canal Sign Overlay District (“DSOD”) and is bounded by Harding Street to the west, Franklin Street and Union Station to the north, automotive and commercial uses to the south and a commercial cleaning business and jewelry business to the east.

The Applicant is seeking the grant of a variance from the minimum frontage requirement from the City of Worcester Zoning Board of Appeals (the “Board”) to allow for a residential conversion in connection with the redevelopment of the Existing Building into a mixed-use building with approximately 905 square feet of ground floor retail space, two (2) one-bedroom dwelling units (one unit on both the second and third floors) and a residential roof deck amenity space (the “Project”). The Project also contemplates the addition of an elevator, elevator lobby and elevator control room for the residential component, which will increase the floor area of the Existing Building to 4,825 square feet, and other related site improvements including, but not limited to, new accessible walkways, modifications to the existing curb cut on Franklin Street and existing sidewalks on Harding Street and Franklin Street, landscaping, construction of a 2 foot decorative stone wall on the corner of Harding Street and Franklin Street, a covered bike rack, and repaving and striping to install four compact (8’ x 16’) parking spaces (including three (3) EV ready charging spaces (one of which will be a handicapped accessible van space)). The renovations to the Existing Building will also include an extension of the interior stairway to the roof, a new railing and screening for the roof deck, exterior cleaning and repainting, removal of two (2) existing bay doors, installation of three (3) new doors, replacement of existing windows and doors and repair and repointing of masonry.

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<sup>1</sup> The 51 Harding Street Property has a parcel identification of 04-016-00003

<sup>2</sup> The Existing Building was developed by Charles Meiselman in 1910 and is listed in the MACRIS database as WOR.2255.

## **II. Requirement for Variance.**

Table 4.2 of the Zoning Ordinance sets forth the dimensional requirements in the BG-3.0 by use. Specifically, Table 4.2 requires 40 feet of frontage per dwelling unit in the BG-3.0 and no required frontage for any non-residential use. The Project will result in the establishment of two one-bedroom dwelling units on the second and third floors and a retail sales use. Accordingly, the Project requires 80 feet of frontage, where only 64.58 feet are provided, therefore requiring a variance to be granted by the Board pursuant to Article II, Section 6.A.3 of the Zoning Ordinance to provide 15.42 ft of relief.

## **III. Reasons for Approval of Variance.**

The Project satisfies the variance criteria as set forth in Article II, Section 6.A.3 of the Zoning Ordinance for the reasons stated herein:

### **1. Describe how a literal enforcement of the provision of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.**

The Applicant would suffer substantial hardship if literal enforcement of the minimum frontage of the Zoning Ordinance were to be enforced. Compliance with the minimum frontage would require the Applicant to reduce the number of units to one (single family detached dwelling) or modify the use to a “non-residential” use. The proposed number of units is critical to the Project and any reduction in the number of dwelling units to comply with these requirements would make the Project no longer financially viable for the Applicant. Compliance with the minimum frontage would, alternatively, require the addition of land. The cost to purchase additional land to expand the frontage would also render the Project no longer financially viable.

### **2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.**

There exist circumstances relating to the shape of the lot that especially affect the Property, but do not affect generally properties in the BG-3.0 zoning district. Unlike other neighboring properties in the district, the Property’s shape is unique in that it has radii which extends from Harding Street onto Franklin Street which reduces the available frontage on Harding Street. The lot previously had sufficient frontage on Harding Street but this frontage was modified through the reconfiguration of Franklin Street in 1955. Attached is a plan showing the



modifications to the layout of Franklin Street. This unique shape and layout cause the statutory hardship.

**3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance.**

The requested variance may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance. The Property has ample frontage when the frontage is measured across Franklin Street and Harding Street. However, the Zoning Ordinance requires the calculation of frontage to be along only one street which therefore requires the need for a variance.

The Project is in conformance with the purposes and intent of the Zoning Ordinance and the CCOD, as it will provide much-needed and in-demand housing to support the City's critical housing stock, which will promote the economic vitality of the neighborhood and the City. The Project is a compact development of a compatible land use, is the redevelopment of an existing historic building which is highly underutilized, offers a design that provides an aesthetically pleasing environment for pedestrians that is accessible, compact, safe and inviting. Moreover, the Project will encourage the most appropriate use of the land in a manner that promotes the creation and preservation of housing of such type and size suitable for meeting the current and future needs of the City, protects natural resources as well as the architectural, scenic and aesthetic qualities of the community and protects against the uses of land which are incompatible with nearby uses, undue intensity of noise and danger and congestion in travel and transportation. The Project avoids over-dedication of land to surface parking by providing only the minimum off-street parking required for the proposed uses.

**4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.**

The variance for the minimum frontage as requested herein is no greater than the minimum necessary to provide relief from the statutory hardship.