

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 Wednesday, November 13, 2013 at 7:00 pm.

IN RE: 13-44 Petition of BHADRESHA PATEL, 39 Reilly Drive, Randolph, MA, Variance from Sec 27-32: Sec 27-48, to sell beer and wine in a C-5 Zone, located at 490 PLEASANT STREET.

PETITIONER'S STATEMENT: The petitioner Bhadresha Patel presented to the board Exhibit A, Site Plan and Exhibit B Assessors Map. Mr. Patel is before the board seeking permission to sell beer and wine at the existing gas station. Charles Studenski spoke on behalf of the petitioner and Mr. Studenski explained to the board that there are financial hardships that Mr. Patel is facing right now. Mr. Studenski stated that Mr. Patel was in front of the board approximately two years ago, seeking the same variance, but was denied. Mr. Patel stated that since then, he has been losing business due to the opening of recent gas stations and convenience stores in the neighborhood. Mr. Patel believes that by being able to sell beer and wine at his gas station, it will attract more business. Mr. Studenski stated that another hardship Mr. Patel is facing is the increase in his insurance due to being in a flood zone. Mr. Studenski went on to state the benefits of being granted the variance to sell beer and wine. There are no package stores within proximity of the neighborhood, making it more convenient for the abutters. Mr. Patel stated that his family runs a package store in Quincy, which is quite successful. Currently, the gas station is open 7 days a week 7:00 a.m. to 9:00 p.m. If granted, Mr. Patel stated he will have a minimum of two employees working at the store at all times, and there will be an automatic chain fence that will lock up the coolers containing beer and wine during hours that they are not legally able to sell alcoholic beverages.

OPPOSITION: None.

DECISION: Denied, did not carry.

BASIS: The petition's drawings were not sufficient to adequately represent the locus requirements for granting. The economic hardship was not sufficient for granting the variance. No hardship dealing with the locus was found by the board. Granting would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by: Stephen Bernard

Seconded by: Kenneth Galligan

IN FAVOR: (2)

Stephen Bernard

Kenneth Galligan

OPPOSED: (3)

Atty. Anthony Eonas, Chairman

Paul Merian

D. Sean Noonan

Stephen F. Bernard
Kenneth Galligan
Anthony Eonas
Paul Merian
D. Sean Noonan

Frank Gazetro, Clerk

2013 DEC 15 A 9:23
CITY CLERK'S OFFICE
BROCKTON, MA

RECEIVED

CITY CLERK'S OFFICE
BROCKTON, MA

A true copy. Attest:
Anthony Zeoli
Anthony Zeoli, City Clerk

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

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 Wednesday, November 13, 2013 at 7:00 pm.

IN RE: 13-48 Petition of LAWRENCE S. TEIXEIRA, 25 North Bassett Road, Brockton, MA, for a Variance from Sec 27-9, seeking relief from sideline setback requirements to construct a rear addition for a bedroom and to enlarge the kitchen in an R-1-C Zone, located at 25 NORTH BASSETT ROAD.

PETITIONER'S STATEMENT: The petitioner Lawrence Teixeira presented to the board Exhibit A, Certified Plot Plan and Exhibit B Floor Plan and Elevations for the proposed addition. Mr. Teixeira is before the board, along with professional land surveyor Bruce Pilling, seeking permission to construct an addition. Mr. Teixeira stated there are currently 2 bedrooms, one full bath and one half baths in the existing dwelling. The dwelling is a bungalow style home that is approximately 900 square feet. Mr. Pilling stated that Mr. Teixeira is proposing to expand his kitchen along with adding a bedroom. Mr. Teixeira stated that his family is outgrowing the current living space. Mr. Pilling stated that the proposed addition will be aesthetically in unison with the other homes in the neighborhood. Mr. Teixeira will maintain the 4 feet side setback with the proposed addition.

OPPOSITION: None.

DECISION: Granted unanimously with the following stipulation, that there shall be no less than the current distance between the current accessory structure and dwelling, as the plan drawn to scale represents.

BASIS: The location of the existing foundation creates a hardship at the site. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by: D. Sean Noonan
Seconded by: Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Paul Merian

Kenneth Galligan

D. Sean Noonan

OPPOSED: (0)

Anthony Eonas
Stephen F. Bernard
Paul Merian
Kenneth Galligan
D. Sean Noonan

Frank Gazero
CITY CLERK'S OFFICE
BROCKTON, MA
2013 DEC -5 A 9:23

RECEIVED

A true copy. Attest:
Anthony Zeoli
Anthony Zeoli, City Clerk

RECEIVED AND FILED: December 27, 2013
I, ANTHONY J. ZEOLI, 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. 11