




Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

TO: Zoning Board of Appeal Chair and Members
FROM: Ann Machado, Zoning Administrator 
SUBJECT: 122 Anderson Street- 010-H-005
DATE: January 19, 2017

The Practical Difficulty Appeal addresses the area located at the southwest corner of the property at 122 Anderson Street – 010-H-005. The issue is that the pavement in the area has been expanded to the property line without approval either through a site plan application or site alteration permit. The expansion of the pavement to the property line is in violation of section 14-234(h) which states:

(h) Pavement setback from lot boundary: Driveways,
parking lots and other paved circulation areas: Fifteen (15)
feet.

(Ord. No. 164-97, § 6, 1-6-97)

Looking at the Google Earth Images from 2006 to 2016 (Exhibit A), you can see how the pavement has been expanded both up to the southwest property line that abuts the property at 11 Diamond Street – 023-E-006 and towards Anderson Street. The Google Earth Image from 2006 shows an existing paved area to the southwest of the building at 118 Anderson Street - 012-N-004. This paved area did not extend to the end of the building at 118 Anderson Street nor did it extend right up to the property line that abuts 11 Diamond Street. The Google Earth Images from 2006 through 2014 shows a vegetated buffer between the existing pavement of the subject property and the abutting property at 11 Diamond Street and a triangle shaped landscaped area between Anderson Street and the back of the building at 118 Anderson Street.

An amended site plan of the property at 122 Anderson Street was submitted to the Planning Division on 12/22/16 (Exhibit B) which shows the existing parking spaces that were created in the expanded paved area. Based on this site plan, the distance between the rear property line and the building at 11 Diamond Street scales at 26' and at 14' where the rear part of the building bumps back. Section 14-352 (Exhibit C) gives the dimensions of a loading bay as 14' x 50'. There appears to be enough area to the rear of the building at the 11 Diamond Street property for loading and unloading without encroaching on the subject property at 122 Anderson Street.