

# THE COMMONWEALTH OF MASSACHUSETTS

## TOWN OF WILLIAMSBURG

### ZONING BOARD OF APPEALS

#### DECISION

**In the matter of:** The application of JKC Properties, LLC, for a Special Permit pursuant to Section 12 E of the Town of Williamsburg Zoning Bylaw to convert the existing structure located at 14 Kingsley Avenue, Haydenville, MA to four (4) residential units.

**Date of Application:** June 15, 2018

**Date of Decision:** July 9, 2018

#### **Vote by members of the Board:**

Marciana Caplis	In favor
Paul Kennedy	In favor
Gerald Mann	In favor

#### **Findings:**

##### **A. General Findings**

The property is located in the Village Residential Zone, has been vacant for several years having previously been used as a funeral parlor. Prior to the use as a funeral parlor the premises was used to manufacture buttons. The age of the building exceeds 100 years.

The applicant proposes to convert the existing structure to four (4) two-bedroom residential units. The footprint of the existing building will not be altered, but a new roof and siding will be installed. The applicant proposes to modernize the structure to meet or exceed Energy Star standards. Two off street parking spots for each unit will be available. Trash receptacles will be under cover and not visible from the street.

The building is 5000 square feet, the total lot size is 12,682 square feet. The frontage on Kingsley Avenue, a public road, is 100 feet. There is 222 feet along a right of way belonging to National Grid. Each unit will have egress to both sides of the property.

The applicant will make the units available for rental at market rates. There will be no short-term rentals, (Airbnb, etc.) and no pets will be permitted. The applicant, who is also the architect, lives nearby and will manage the building.

The hearing was well attended and most of the abutters were present. They were pleased with the prospect of this long vacant commercial property being used for residences.

## **B. Applicable Law and Decision Criteria:**

This building existed long before the Town of Williamsburg had a Zoning Bylaw and could not be constructed on its lot today. It has neither the required total area nor the required frontage on a public road. Section 12.0 a. of the Zoning Bylaw states that "any lawful use or structure that does not conform to this Bylaw may be continued, but no such non-conforming use or structure shall be changed, extended, or enlarged in any manner, except as provided in Sub-sections (e) and (f)". Section (e) authorizes the Zoning Board of Appeals to issue a Special Permit provided that such change, extension or enlargement shall not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure.

The intended conversion to a residential building will be consistent with the present residential character of the area and less detrimental than a commercial use or permitting it to remain vacant.

## **Decision of the Board:**

The Zoning Board of Appeals voted unanimously to grant a Special Permit to JKC Properties LLC. To convert the structure situated at 14 Kingsley Avenue to four (4) residential units as set forth in the plans submitted at the hearing and made a part hereof.

## **Conditions of the Special Permit:**

Any lighting on the exterior of the building shall be shielded and face downward so as not to disturb any neighbor.

Trash receptacles shall not be visible to the neighbors.

This Special permit is not effective until recorded at the Registry of Deeds of the County of Hampshire and shall be filed within twenty days after the date of filing of his notice of this decision in the Office of the Town Clerk.

Respectfully submitted this 17<sup>th</sup> day of July, 2018

Appeals from this finding, if any, shall be made pursuant to Chapter 40A Section 17, of the Massachusetts General Laws.



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Gerald Mann, Acting Chair, on behalf of the Zoning Board of Appeals



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Brenda Lessard, Williamsburg Town Clerk