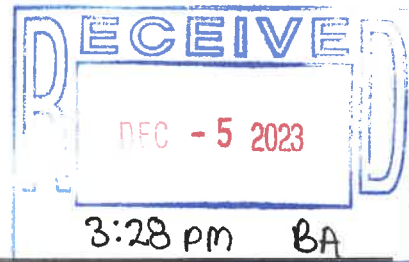




**TOWN OF HULL
ZONING BOARD OF APPEALS**



253 Atlantic Avenue
Hull, Massachusetts 02045

781-925-2000
Fax: 781-925-0224

**APPLICATION FOR HEARING
PACKET TO BE COMPLETED IN TRIPLICATE
(see last page for instructions)
(Revised December 2021)**

1. **Address of Property:** 19 SAGAMORE TERR. HULL, MA 02045

Zoning District: SINGLE-FAMILY A

Assessor's Map No.: 33 Assessor's Parcel No.: 33-113

Title Reference (Attach Copy of Deed or Transfer Certificate of Title):

Book: 55446, Page 292
(Plymouth County Registry of Deeds)

Certificate of Title No: _____
(Plymouth County Registry District of the Land Court)

2. **Applicant:**

Name: RAFAL ZELEK Name: _____

Address: 34 FARRAGUT RD. Address: _____

Address: SWAMPSCOTT MA 01907 Address: _____

Email: RAFAL@ZELEKDESIGN.COM Phone: _____

3. **Owner:** (If owner is also applicant, go directly to #4)

Name: PENA TIRSO TRS Name: _____

Address: 715 BROADWAY Address: _____

Address: EVERETT, MA 02149 Address: _____

Email: TIRSOPENA@COMCAST.NET Phone: _____

4. **If you have signed a P&S Agreement**, attach a copy of the executed agreement.

5. **The applicant must attach the following:** (Place beside each)

- copy of the Building Commissioner's Denial Letter
- copy of Deed or Certificate of Title
- copy of Plot Plan or Survey & Proposed Building Plans (**3 sets of each**)
- pictures of the building (views of front, rear, left side & right side)
- 2 copies certified abutters list and a property card (Obtain at Assessors' Office)
- copy of P & S Agreement to the property (if applicable)
- Special Permit Questionnaire or Variance Questionnaire
- filing fee \$275.00 (payable to Town of Hull)
- Advertising Fee (payable to The Hull Times) see staff for details
- Page 6: Bldg. Commissioner's Review and Certification

6. Reason for petition/application:

- Special Permit -----> Hull By-Law §: VI sec. 410-6.2, 61-2
- Variance -----> Hull By-law §: _____
- Appeal Decision of Bldg. Comm. -----> Hull By-Law §: _____

7. Describe why you seek a Special Permit, Variance or Other Relief:

THE PROPERTY IS EXISTING NON-CONFORMING AND EXISTING SECOND MEANS OF EGRESS WAS STRUCTURALLY UNSOUND FOR MIDDLE AND UPPER UNITS. ADDITIONALLY SECOND MEANS OF EGRESS FOR UPPER UNIT WAS IN UNAPPROPRIATE LOCATION. WE ARE REQUESTING SPECIAL PERMIT TO REBUILD ^(EXISTING NON-CONFORMING) SECOND MEANS OF EGRESS FOR MIDDLE AND UPPER UNITS THAT ARE IN CODE COMPLIANT LOCATION.

(Use Additional Sheets as Necessary)

8. Name, address and phone number of your attorney (if applicable):

Signed under the pains and penalties of perjury, this 21 day of NOVEMBER, 2023.



(Applicant or Attorney)

(Applicant or Attorney)

NOTE: DO NOT ATTEMPT TO DISCUSS THE MERITS OF YOUR CASE WITH ANY INDIVIDUAL MEMBER OF THE BOARD OF APPEALS AT ANY TIME. YOU WILL HAVE AN OPPORTUNITY TO SPEAK AT THE PUBLIC HEARING ON YOUR APPLICATION BEFORE THE FULL BOARD.

SPECIAL PERMIT QUESTIONNAIRE

1. Describe why the proposed change to your property would be in harmony with the general purpose and intent of the By-Law:
WE ARE REMOVING STRUCTURALLY UNREINFORCED & NOT CODE COMPLIANT
2ND MEANS OF EGRESS FOR MIDDLE & UPPER UNIT AND PROPOSING NEW 2ND
MEANS OF EGRESS IN SIMILAR LOCATION FOR MIDDLE & UPPER UNITS THAT MEET CURRENT
~~THE~~ BUILDING CODES
2. Describe how the proposed change to your property would potentially impact your neighborhood (either visually or in any other manner), especially abutting and nearby properties (i.e., describe the potential effects of lighting, drainage, noise, views on neighboring properties):
WE ARE REMOVING DETERIORATING SECOND MEANS OF EGRESS AND REPLACING
IT WITH NEW CODE COMPLIANT SECOND MEANS OF EGRESS. UPPER UNIT'S 2ND
MEANS OF EGRESS WILL BE MOVED FROM FRONT OF THE BUILDING TO LEFT SIDE
OVER THE EGRESS FOR MIDDLE UNIT.
3. Describe how the proposed change to your property would potentially affect the character of your zoning district:
THE CHANGE IS REMOVING EXISTING, NOT CONFIRMING 2ND MEANS OF EGRESS
AND REPLACING IT WITH EXISTING, NOT CONFIRMING. SO WE ARE
REPLACING LIKE FOR LIKE FROM ZONING POINT OF VIEW
4. Describe why you believe that the proposed change to your property would not be more detrimental to the neighborhood, especially to abutting and nearby properties:
THE PROPERTY IS BEING RENOVATED AND IT IS IMPROVING
CURB APPEAL AND IT IS IMPROVING OVERALL APPEAL OF
THE STREET WITH THE IMPROVEMENTS ALREADY DONE
AND THE ONES PROPOSED FOR PROPER 2ND MEANS OF EGRESS
5. Describe how the proposed change to your property would potentially affect on-site and off-site parking. In addition, please describe how the proposed change to your property would potentially affect traffic in the immediate area:
THE CHANGE HAS NO AFFECT ON PARKING AND TRAFFIC

VARIANCE QUESTIONNAIRE

1. Is your property (land/structure) unique in any of the following ways?

- _____ shape of your lot
- _____ topography of your land
- _____ soil conditions of your land
- _____ structure/layout of your building (Use Variances only)

If so, describe in detail those characteristics that are unique to your land (i.e., those that do exist on your land but do not exist on abutting or nearby properties in your neighborhood or zoning district):

2. Do you have a "substantial hardship" related to the uniqueness of your property (as you have described immediately above) that prevents you from either:

(i) complying with our By-Law, or (ii) using your land or building as it currently exists?

_____ yes _____ no

3. If your answer is yes, describe in detail:

- how this hardship is related to the uniqueness of your property:

Please note that the "substantial hardship" must be related to your property, not to your individual circumstances.

The Board would like you to describe exactly how the shape of your lot, the topography of your lot, the soil conditions of your lot or the structure/layout of your building (i) are unique or substantially different from neighboring properties and (ii) how these unique circumstances prevent you from using your property for its intended use as a single family home, as a business, etc.

For example, the mere fact that your property will be worth more if a Variance is granted does not constitute a "substantial hardship".

• how this hardship prevents you from complying with the Hull Zoning By-Law or prevents you from using your land or building as it currently exists:

4. Describe how your property can still comply with the purpose and intent of the Hull Zoning By-Law, if your Variance is allowed:

TO BE COMPLETED BY BUILDING COMMISSIONER:

- ◆ Date Building Permit Requested: _____ (if applicable)
- ◆ Date Building Permit Denied: _____ (attach letter of denial)
- ◆ Any prior appeals on this property: YES _____ NO _____ (attach copies of decisions)
- ◆ IF YES, provide date of decision and action taken:

◆ **ATTACHMENTS:** (place ✓ beside each)

- _____ Prior Decisions of Board Re: Property (if applicable)
- _____ Letter of Denial & Copies of All Correspondence (if applicable)

◆ **APPLICANT HAS ATTACHED THE FOLLOWING:** (place ✓ beside each)

- _____ Copy of Deed/Transfer Certificate of Title
- _____ Copy of Plot Plan or Survey & Proposed Building Plans
- _____ Pictures of Building (views of front, rear, left side & right side)
- _____ Copy of P&S Agreement (if applicable)
- _____ Certified List of Abutters (from Assessor's Office)
- _____ Filing Fee

◆ **APPLICATION INCLUDES:** (place ✓ beside each)

- _____ Signature (page 2)
- _____ Zoning District (page 1)
- _____ Assessor's Information (page 1)
- _____ Phone Number (page 1)
- _____ Title Reference (page 1)
- _____ Description of Relief Sought (page 2)
- _____ Special Permit Questionnaire or Variance Questionnaire (page 3 or page 4)
- _____ Answers to All Other Questions on Application

****BUILDING COMMISSIONER'S CERTIFICATION****

I have reviewed this Application and, based on its contents and the information available in the Building Department's files on this date, certify that it is complete in all respects.

Date: _____

Building Commissioner, Town of Hull

*** Electronic Recording ***
Doc#: 00090249
Bk: 55446 Pg: 292 Page: 1 of 2
Recorded: 08/09/2021 02:02 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 08/09/2021 02:02 PM
Ctrl# 148818 29102
Fee: \$1,960.80 Cons: \$430,000.00

QUITCLAIM DEED

BARBARA A. DIVITO, as Trustee of the DIVITO REALTY TRUST under a declaration of Trust dated April 26, 1995, recorded with Plymouth Registry of Deeds in Book 13761 Page 106, as amended, of Hull, Massachusetts, for consideration paid, and in full consideration of FOUR HUNDRED THIRTY THOUSAND AND 00/100 Dollars (U.S. \$430,000.00) grant to Tirso Pena, Trustee of the Sunshine Realty & Investment Trust, u/d/t dated August 1, 2011, recorded with Suffolk Registry of Deeds in Book 48219 Page 227 of Westwood, Massachusetts, with *quitclaim covenants* the following property in Hull, Plymouth County, Massachusetts.

The land with buildings thereon, situated at 19 Sagamore Terrace, Hull, Massachusetts, shown as Lot 43B on a plan entitled "Plan of Subdivision of Lot 43 as Shown on Plan Entitled Plan Showing Building Lots on Sagamore Hill, Nantasket Beach Hull, Mass. John F. Merrill, Trustee-Dated October 1891 by G.A. Devlin, Surveyor.", dated June 23, 1944, by Lewis W. Perkins, Eng'r., recorded July 7, 1944 with Plymouth Deeds in Plan Book 6, Page 690, and bounded and described follows:

NORTHEASTERLY by Porrazzo Road (shown as Summit Road on said plan), forty-three and 75/100 (43.75) feet;

EASTERLY by the curved junction of said Porrazzo Road and Sagamore Terrace, thirteen and 22/100 (13.22) feet;

SOUTHEASTERLY by Lot 43A on said plan, fifty (50) feet; and

NORTHWESTERLY by Lot 44 on said plan, forty-four and 15/100 (44.15) feet.

Containing 2,680 square feet of land, according to said plan.

Being the same premises described in a deed to the Grantor recorded with Plymouth County Registry of Deeds in Book 13761 Page 119.

The Grantor(s) hereby release any and all homestead rights in said premises, and states, under the pains and penalties of perjury that there are no other persons entitled to claim a homestead in said premises.

PROPERTY ADDRESS: 19 Sagamore Terrace, Hull, MA 02045

Witness my/our hand(s) and seal(s) this 5th day of August, 2021.

DIVITO REALTY TRUST

Barbara A. DiVito

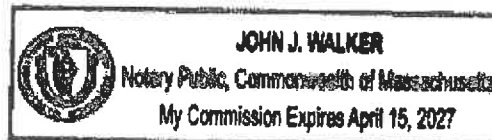
Barbara A. DiVito, as Trustee

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this 5th day of August, 2021, before me, the undersigned notary public, personally appeared Barbara A. DiVito as Trustee of the DIVITO REALTY TRUST under a declaration of Trust dated April 26, 1995, proved to me through satisfactory evidence of identification, which was/were Mass. driver's license(s) or [] _____, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Notary Public: John J. Walker
My Commission Expires: 5/1/2020





Town of Hull

BUILDING DEPARTMENT

TEL: (781) 925-1330

FAX: (781) 925-2228

253 ATLANTIC AVE

HULL, MASSACHUSETTS 02045

August 31, 2023

Rafal Zelek
34 Farragut Road
Swampscott, MA, 01907

Re: 19 Sagamore Terrace

Dear Mr Zelek;

I am in receipt of your building permit application dated July 27, 2023 on which you propose to perform the following work:

Removal of existing rear entrydeck and r4construction to accommodate proper

After having reviewed said application I have determined that this would be in violation of the Town's Zoning by-law(s).

Article VI Section 410-6.2 Non-Conforming Uses paragraph 61-2.

The proposed addition requires a special permit from the Zoning Board of Appeals.

Existing and proposed left side set back is less than the 10' required.

Therefore, you are required to file all necessary applications for a public hearing and appeal with the Hull Zoning Board of Appeals, pursuant to MGL Chapter 40-A.

Any questions regarding this matter may be directed to this department.

Very Truly Yours,

Bartley Kelly,
Building Commissioner