



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

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2014 OCT 17 AM 10:47

ZBA CASE NO. 14-11

PROPERTY LOCATION: 81 Meadow Road

PETITIONER & PROPERTY OWNER: Suzanne Stimson

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 52469 Pg: 111

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of Suzanne Stimson for a **VARIANCE** to allow the location of a proposed garage addition to be less than the required distance from the west side property line on the property located at 81 Meadow Road, Map 94, Parcel 215.

APPLICATION

1. On August 26, 2014, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a **VARIANCE** from Section 7-06-020, Table 2. Table of Density and Dimensional Regulations, to allow the location of a proposed garage addition to be less than the required distance from the west side property line on the property located at 81 Meadow Road, Map 94, Parcel 215.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on September 15, 2014 and September 22, 2014 and was mailed to abutters and other parties in interest on September 9, 2014.

EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1. Application for Hearing before the Zoning Board of Appeals, including:
 - a. A Quitclaim Deed for "81 Meadow Road, Northborough, MA 01532" recorded at the Worcester District Registry of Deeds on 06/24/2014, Bk: 52469 Pg: 111;
 - b. An 8.5" x 11" plan entitled "Plot Plan Prepared for Suzanne Stimson, 81 Meadow Road, Northborough, Massachusetts", dated August 25, 2014, stamped and signed by Kevin J. Jarvis on 08-25-14;
 - c. A 2-page document entitled "Calculation Sheet for: Gross Floor Area for a Nonconforming single-family and two-family residential structure", for 81 Meadow Road, Northborough, MA 01532, signed by Suzanne Stimson on 8/26/14;
 - d. A certified abutters list for parcels 300 feet from 81 Meadow Road, including a cover sheet signed by Susan M. Reagan, for the Town of Northborough Board of Assessors, dated August 19, 2014, and a Northborough, MA GIS Viewer map entitled "81 Meadow Road, Northborough, MA" dated August 19, 2014; and
 - e. A set of 4 plan sheets entitled "Stimson Residence Addition & Renovations, 81 Meadow Road, Northborough, MA, with sheets identified as: A-1,

HEARING

Applicant Suzanne Stimson, and Architect Jay Gallant presented the Application at a duly noticed public hearing of the Board on September 30, 2014, in Conference Room B of the Northborough Town Office, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Robert Berger, and Mark Rutan were present throughout the proceedings.

Ms. Stimson explained she is requesting a Variance to reduce the side yard setback to 7.4 feet so she can build a one-car garage that will extend into the west side setback. The positioning of the garage within the setback is the result of the odd shape of the lot, with the side property line narrowing from the front property line to the rear of the property. The garage will be attached to the house by a dining room and mudroom area, and will be a space for one vehicle, as well as storage space. Ms. Stimson stated there is no other place on the house to which she could attach the garage. She stated her other car will be parked in front of the garage.

No person present spoke in opposition to the project and no letters in opposition to the project were received by the Board.

The hearing was closed on September 30, 2014.

FINDINGS OF FACT

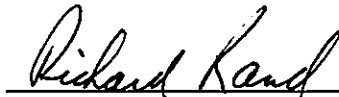
1. The subject property at 81 Meadow Road is located in the Residential C District. It is 15,294 square feet in area and is nonconforming in the Residential C District, which requires a minimum lot area of 20,000 square feet.
2. The Applicant is proposing to add a 15-foot by 26-foot one-car garage onto her house that will extend 7.6 feet into the west side property line.
3. In the Residential C District, the required minimum distance of a principle structure or building to a side property line is 15 feet. The distance of the proposed one-car garage to the west side property line is 7.4 feet and therefore a Variance is required from 7-06-020, Table of Density and Dimensional Regulations, Table 2 of the Northborough Zoning Bylaw.
4. The subject lot is oddly shaped, with 5 property lines. The side property lines are at a diagonal to the front property line, and cause the west side setback to decrease in width from the front property line to the side of the house on which the one-car garage is proposed to be located.
5. The proposed one-car garage will be located on the side of the house where the kitchen is located. If it was located on the other side of the house, it would be next to a bedroom.
6. A 2-page document entitled "Calculation Sheet for: Gross Floor Area for a Nonconforming single-family and two-family residential structure" for 81 Meadow Road, submitted with the Application, indicates the existing gross floor area of the non-conforming single-family home on the subject lot is 2,353 square feet; the allowed increase to the existing gross floor area is 1,881 square feet; and the proposed increase to the existing gross floor area is 652 square feet. Therefore, the project as proposed meets the requirements of Section 7-08-040A(6) of the Northborough Zoning Bylaw.
7. Due to circumstances relating to the odd shape and small size of the nonconforming lot, with a west side property line that decreases in width as it runs from the front property line to the location of the house on which the one-car garage has been proposed, affecting only the subject land but not generally affecting land or structures in the same zoning district, a literal enforcement of the Zoning Bylaw would involve substantial hardship.
8. The existing home is very small and the addition of the proposed one-car garage, along with the dining room/mudroom area, will be consistent with additions done on many of the homes in the

neighborhood. The one-garage is needed for storage and to house one of the Applicant's vehicles. The proposed addition is the most practical way to improve the property. Therefore, the relief sought will not constitute a substantial detriment to the public good and will not nullify or substantially derogate from the intent and purpose of the Northborough Zoning Bylaw.

DECISION

1. On September 30, 2014, after due consideration of the Application, the Board voted unanimously to **GRANT** a **VARIANCE** required from Section 7-06-020, Table of Density and Dimensional Regulations, Table 2 of the Northborough Zoning Bylaw, to allow the closest point of a proposed one-car garage to be no less than 7 feet from the west side property line of 81 Meadow Road, due to the odd shape of the lot.
2. Appeals, if any from this decision shall be made pursuant to Massachusetts General Laws, Ch. 40A, Sec. 17 and shall be filed within twenty (20) days after the date of filing of this decision in the office of the Town Clerk.
3. The **VARIANCE** shall not take effect until a copy of the decision bearing the certificate of the Town Clerk is recorded with the Worcester District Registry of Deeds in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 11 and 15 stating that "twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied."
4. If the rights authorized by the **VARIANCE** are not exercised within one year from the time of granting, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 10.

**TOWN OF NORTHBOROUGH, MASSACHUSETTS
ZONING BOARD OF APPEALS**

A handwritten signature in cursive script, reading "Richard Rand", is written over a horizontal line.

RICHARD RAND, CHAIRMAN