



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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DECISION

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2017 JUN - 7 PM 3:39

ZBA CASE NO. 17-05

PROPERTY LOCATION: 97 Main Street

PETITIONER & PROPERTY OWNERS: Brian H. Smith & Lois Vandekopple-Smith

RECORDED WITH WORCESTER DISTRICT REGISTRY OF DEEDS: Bk: 6580 Pg: 90

This document is the **DECISION** of the Northborough Zoning Board of Appeals on the petition of Brian H. Smith and Lois Vandekopple-Smith for **Variances** to allow the use of a proposed 2-car garage for the storage of classic cars on the property at 97 Main Street, Map 53, Parcel 33.

APPLICATION

1. On April 18, 2017, 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 7-05-030, Use Regulations, Table of Uses, Table 1. Table of Uses, Part A & Part B; and a **Variance** from Section 7-08-040A, Nonconforming Uses and Structures, Nonconforming single-family residential structures, of the Northborough Zoning Bylaw, to allow the use of a proposed 2-car garage for the storage of classic cars, in the Business East District, on the property located at 97 Main Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on May 8, 2017 and May 15, 2017; and was mailed to abutters and other parties of interest on April 24, 2017.

EXHIBITS

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

1. Application for Hearing before the Zoning Board of Appeals, including:
 - a. A Zoning Interpretation Request Form from Brian H. Smith, signed by Joseph M. Atchue, Inspector of Buildings, on 4/13/2017;
 - b. A Quitclaim Deed for Main Street, recorded at the Worcester District Registry of Deeds on October 3, 1978, Bk: 6580 Pg: 90;
 - c. A certified abutters list for parcels 300 feet from 97 Main Street, Map 53 Parcel 33, dated 4/18/2017; and a Northborough, MA GIS Viewer map for 97 Main Street, 4/18/2017;
 - d. An 11" x 17" plan entitled "Plot Plan & Sewage Disposal" for River St. & East Main St., Northborough, Mass, dated March 21, 1973, for Donald J. and Ann T. Morton, prepared by Guerard Survey Co. & Assoc., signed by Richard W. Guerard and Joseph H. Rego; and

- e. An 11-page document entitled "Petition For Variance", Proposed Two-Car Garage, 97 Main Street; dated May 23, 2017 and submitted by Brian Smith and Lois Vandekopple-Smith.

HEARING

Applicants Brian H. Smith and Lois Vandekopple-Smith presented the Application at a duly noticed public hearing of the Board on May 23, 2017 in Conference Room B of the Northborough Town Offices, 63 Main Street, Northborough, MA 01532. Voting members Richard Rand, Fran Bakstran, Jeffrey Leland, Brad Blanchette, and Mark Rutan were present.

Mr. and Ms. Smith reviewed a document entitled "Petition for Variance" which they submitted for the board members. She stated they are requesting a Variance to allow the use of a proposed 2-car garage for storage of their classic cars. Currently, the classic cars are stored in the existing garage on the site. Ms. Smith explained the proposed garage will allow them to put their regular cars in their existing garage, which is too small to allow work on the classic cars.

Ms. Smith stated the use of the house has been residential since 1749 when it was built, and is pre-existing and non-conforming in the Business East District. It is located on the corner of River Street, Main Street, and St. James Drive. She noted the proposed location of the 2-car garage will meet the setback requirements of the Business East District.

Ms. Smith stated the proposed early American architecture of the 2-car garage will be consistent with other structures on the property, and will not be detrimental to the public good.

No person in attendance expressed opposition to the project and the board received no letters in opposition to the project.

The hearing was closed on May 23, 2017.

FINDINGS OF FACT

1. The subject property at 97 Main Street is located in the Business East District.
2. The subject property has been used for residential purposes since the house was built in 1749. However, at 2009 Town Meeting, zoning in the district changed to Business East, a commercial district. The subject property with existing single-family home became pre-existing and non-conforming in the Business East District.
3. The Applicants are proposing to construct a 2-car garage for the purpose of storing their classic cars. The use of a proposed 2-car garage on the subject lot with a pre-existing non-conforming single-family home in the Business East District is not allowed and therefore, a **Variance** is required from Section 7-05-030, Use Regulations, Table of Uses, Table 1. Table of Uses, Part A & Part B, of the Northborough Zoning Bylaw.
4. In addition to the single-family home on the site, there is a pre-existing, non-conforming 2-car garage which the Applicants have been using for the storage of their classic cars. The addition of the proposed 2-car garage will increase the non-conforming structures on the site. Therefore, a **Variance** is required from Section 7-08-040A, Nonconforming Uses and Structures, Nonconforming single-family residential structures, of the Northborough Zoning Bylaw.

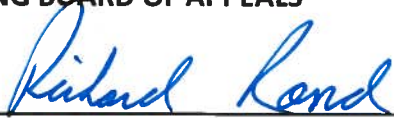
5. The subject lot is located at the corner of River Street and Main Street; and Main Street and St. James Drive, and therefore has three front property lines and a rear property line. Access to the site is from River Street.
6. The proposed 2-car garage will be located 15 feet from the front property line of River Street; 15 feet from the front property line of Main Street; 15 feet from the front property line of St. James Drive; and 25 feet from the rear property line.
7. In the Business East District, the minimum required distance of a structure to a front property line is 15 feet; and the minimum required distance of a structure to the rear property line is 25 feet. Therefore, the location of the proposed 2-car garage meets the dimensional regulations of the Business East District, per Section 7-06-030, Table 2, Table of Density and Dimensional Regulations, of the Northborough Zoning Bylaw.
8. The existing 2-car garage is 20-feet deep, 22-feet wide and 17 feet in height, and does not have sufficient room for work on the classic cars. In addition, the existing floor does not have the strength to accommodate a proposed vehicle lift.
9. The proposed 2-car garage will be 30-feet deep, 28-feet wide and 20-feet in height, which will allow room to work on the classic cars. A vaulted ceiling and "quick-release" doors will allow vertical space needed for the vehicle lift. A 6-inch foundation with 4-foot frost walls, and a 6-inch concrete floor on 6 inches of gravel, will accommodate the weight of the lift while carrying a vehicle. Only one vehicle lift is proposed; and a boat will be stored in the garage, as well.
10. The proposed 2-car garage will be early American in design and will be consistent with the other structures on the subject site.
11. The proposed 2-car garage will allow the Applicants to use the existing 2-car garage for their regular vehicles.
12. Due to circumstances relating to the age of the subject property with an existing house built in 1749, which has been use for residential purposes since 1749, and which is pre-existing and non-conforming in the current zoning district in which it is located, affecting the subject property but not necessarily properties in the same zoning district, a literal enforcement of the applicable provision of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant.
13. The relief sought will not constitute substantial detriment to the public good and may be given without nullifying or substantially derogating from the intent or purpose of the Northborough Zoning Bylaw.
14. Adequate and appropriate facilities will be provided for the proper operation of the proposed 2-car garage for the storage of classic cars.

DECISION

1. On May 23, 2017, after due consideration of the Application, the Board voted unanimously to **GRANT** a **VARIANCE** from Section 7-05-030, Use Regulations, Table of Uses, Table 1. Table of Uses, Part A & Part B, of the Northborough Zoning Bylaw, to allow the use of a proposed 2-car garage for the storage of classic cars on the property located at 97 Main Street, in the Business East District.

2. On May 23, 2017, after due consideration of the Application, the Board voted unanimously to **GRANT** a **VARIANCE** from Section 7-08-040A, Nonconforming Uses and Structures, Nonconforming single-family residential structures, of the Northborough Zoning Bylaw, to allow the addition of a proposed 2-car garage for the storage of classic cars that will increase the non-conforming structures on the pre-existing, non-conforming property located at 97 Main Street, Map 53, Parcel 33.
3. 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.
4. The **VARIANCES** 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."
5. If the rights authorized by the **VARIANCES** 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**



RICHARD RAND, CHAIRMAN