

Town of Southborough
BOARD OF APPEALS
SOUTHBOROUGH, MASSACHUSETTS 01772

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James F. Hegarty
Town Clerk
Town House
17 Common Street
Southborough, Massachusetts 01772

March 30, 2021

Notice of Decision of an Application for a Variance

Property Address: 9 Skylar Drive; Recorded Worcester Registry of Deeds Book 58152, Page 317

Appellants: Erik Glaser, 9 Sunrise Drive, Southborough, MA

Application Filed: February 18, 2021

Public Hearing: March 17, 2021 at 7:00 P.M.
Virtual meeting through Zoom

Sitting as a Board: David Williams, Chair
Deborah DeMuria
Paul Drepanos
Michael Robbins
Craig Nicholson

For the Appellants: Erik Glaser, Applicant
9 Skylar Drive
Southborough, MA 01772

Procedural History:

1. An application for a Variance was filed in the Office of the Southborough Building Department on February 18, 2021.
2. The application for the Variance is to allow for the expansion of an existing garage to encroach 4.5 feet into the 25-foot side setback. Relief was requested under Section 174-8.2 (D) (3) (c).
3. The record owner of the subject property is Erik Glaser, 9 Skylar Drive, Southborough, MA.
4. A public hearing before the Zoning Board of Appeals was duly noticed in the Metro West Daily News on Wednesday March 3, 2021 and Wednesday March 10, 2021.
5. The applicants were heard at the March 17, 2021 Zoning Board of Appeals meeting after describing that the existing attached garage was built as such that the owners could only expand into the side setback in the Residence A District.

6. Public hearing opened on March 17, 2021 and closed the same evening.

Plans/Documents:

1. Letter from Building Commissioner/Zoning Enforcement Officer Laurie Livoli to Erik Glaser dated February 24, 2021.
2. Certified Copy of Abutters List from the Town of Southborough, MA.
3. Public Hearing Notice for publication in the MetroWest Daily news on 3/3/2021 and 3/10, 2021.
4. Billing Authorization Form for Gatehouse Media.
5. Certified Plot Plan for 9 Skylar Drive, Southborough, MA dated February 10, 2021.
6. Drawings of addition by Capobianco Construction.
7. Letter of support from Jen Donato, 8 Skylar Drive, Southborough.
8. Letter of support from Mark Wood, 10 Skylar Drive, Southborough.
9. Letter of support from Arjun Sharma, 11 Skylar Drive, Southborough.
10. Letter of support from Lisa Collins, 5 Skylar Drive, Southborough.

Findings:

1. The proposal constitutes a Variance under the Town of Southborough Zoning Bylaw.
2. The property is located in the Residence A Zoning District.
3. The applicant is proposing approval to expand the footprint of an existing attached garage within the 25-foot side setback.
4. The proposal and evidence presented meets the criteria required to grant the relief:
 - a. Literal enforcement of this bylaw would result in a substantial hardship for the applicant due to the fact that the garage cannot be relocated.
 - b. The hardship is related to the topography and layout of the land and the location of the structure.
5. The Board was satisfied that the Applicant, if denied this request, would not be able to expand his garage and would therefore be unable to fit his vehicles inside the structure.
6. The Board decided that the granting of this relief would not substantially affect the public's good nor denigrate the spirit or purpose of the law. It was determined that the literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

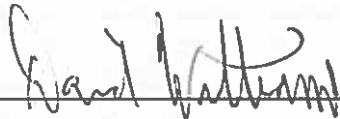
Decision and Vote of the Board:

At its meeting on March 17, 2021, the Zoning Board of Appeals voted unanimously (5-0-0) to grant the Variance pursuant to Section 174.8.2 (D) (3) (c) to allow Mr. Glaser to encroach into the side setback by 4.5 feet to expand his garage with the following condition:

1. The project is executed per the plot plan and is substantially similar to the elevations as presented in the petition.

After review of all evidence and facts presented at this hearing, and after deliberation of the same, the Board voted unanimously (5-0-0) on a motion made by Mr. Drepanos and seconded by Mr. Nicholson, with members voting by roll call as follows to grant the requested Variance with the above conditions:

David Williams	Aye
Deborah DeMuria	Aye
Paul Drepanos	Aye
Michael Robbins	Aye
Doris Cahill	Aye



David Williams, Chair

Signing on behalf of the Zoning Board of Appeals

**** NOT VALID FOR RECORDING UNTIL CERTIFIED BY THE TOWN CLERK OF SOUTHBOROUGH****

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Southborough Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest: _____

Date: _____

James F. Hegarty, Town Clerk
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