

2021 AUG -3 P 4: 13

Town of Southborough
BOARD OF APPEALS

SOUTHBOROUGH, MASSACHUSETTS 01772

9 CORDAVILLE ROAD
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0717 ext. 1

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

August 3, 2021

Notice of Decision of a Variance

Property Address: 10 Barn Lane; Recorded Worcester Registry of Deeds Book 56453, Page 381

Appellants: Evangelos Moutoudis, 10 Barn Lane, Southborough, MA

Application Filed: April 29, 2021

Public Hearing: July 21, 2021 at 7:00 P.M.
Virtual meeting through Zoom

Sitting as a Board: David Williams, Chair
Deborah DeMuria
Paul Drepanos
Michael Robbins
Doris Cahill

For the Appellants: Evangelos Moutoudis, Applicant
10 Barn Lane
Southborough, MA 01772

Attorney Marshall Gould, Gould & Ettenberg, P.C.
370 Main Street, Suite 1050
Worcester, MA 01608

Procedural History:

1. An application for an appeal was filed in the Office of the Southborough Building Department on April 29, 2021.
2. The proposal constitutes a variance under the Town of Southborough Zoning Bylaw.
3. The application for the variance is to allow an accessory building containing a one car garage and a pool cabana with connecting breezeway to be built with a two-foot setback from the side property line in a flexible development within the Residence A District.

4. Relief was requested under the Town of Southborough Zoning Code §174-13.2 (D) (4) (a) (4) "flexible development side setback of twenty feet" and §174-25 A (3) "variances."
5. The record owner of the subject property is Mr. Evangelos Moutoudis, 10 Barn Lane, Southborough, MA.
6. A public hearing before the Zoning Board of Appeals was duly noticed in the MetroWest Daily News on Wednesday July 7, 2021 and Wednesday July 14, 2021.
7. The applicants were heard at the July 22, 2021 Zoning Board of Appeals meeting after describing that the proposed addition in regards to the topography and elevation of the property and is fully supported by the abutting residence at 12 Barn Lane due to the additional privacy that will be allotted to both residences.
8. The public hearing opened on July 22, 2021 and closed the same evening.

Plans/Documents:

1. Denial letter from Laurie Livoli, Building Commissioner to Evangelos Moutoudis of 10 Barn Lane, Southborough, MA dated May 10, 2021.
2. Addendum letter to Zoning Board of Appeals from Attorney Marshall Gould.
3. Certified Copy of Abutters List from the Town of Southborough, MA.
4. ZBA petition Plan for pool house and garage, 10 Barn Lane, Southborough, MA.
5. Bruce Miller Architect schematic design, 10 Barn Lane, Southborough, MA.
6. Letter from Evangelos J. Moutoudis, 10 Barn Lane, Southborough Ma to the Building Department dated March 5, 2021.
7. Quit Claim Deed, 10 Barn Lane, Southborough, MA dated October 27, 2008.
8. Six current photographs of proposed addition site, 10 Barn Lane, Southborough, MA.

Findings:

1. The property is located in the Residence A Flexible Development Zoning District.
2. The applicant is proposing the addition of an accessory building containing a one car garage and a pool cabana with a connecting breezeway to be built with a two-foot setback from the side property line.
3. The proposal and evidence presented meets the criteria required to grant the variance:
 - a. Literal enforcement of this bylaw would result in a hardship for the applicant due to the fact that the residence at 12 Barn Lane is elevated to a height whereas screening from trees does not allot enough privacy for both 10 and 12 Barn Lane.
 - b. The hardship is related to the topography and layout of the land.
 - c. The Board was satisfied that the applicant, if denied this request, would not be provided the privacy needed to shield the pool area at 10 Barn Lane from full view at 12 Barn Lane.
 - d. Both residents at 10 and 12 Barn Lane were in full support of the project and had no concerns.

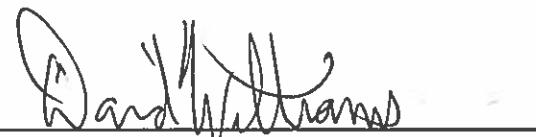
4. The Board decided that the granting of this relief would not substantially affect the public's good nor denigrate the spirit or purpose of the law. It was determined that the literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, 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 July 21, 2021 the Zoning Board of Appeals voted unanimously (5-0-0) to grant the variance pursuant to section 174-25 (A) (3) and 174-13.2 (d) (4) (a) (4) of the Southborough Zoning Code to allow Mr. Evangelos Moutoudis to build an accessory building containing a one car garage and a pool cabana with connecting breezeway with a minimum two-foot setback from the side property line in a flexible development within the Residence A District.

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. Robbins and seconded by Mr. Drepanos, with members voting by roll call as follows to grant the variance:

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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