

Town of Southborough
BOARD OF APPEALS

SOUTHBOROUGH, MASSACHUSETTS 01772

James Hegarty
Town Clerk
Town House
Southborough, MA 01772

17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0717 ext. 1

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JN SOUTHBOROUGH, MA
July 12, 2017

Notice of Decision for an Application for a Variance

Property Address: 168 Middle Rd. Southborough, Ma. 01772

Appellants: Mr. Jason Kurtz

Application Filed: May 3, 2017

The Board opened the public hearing on June 28, 2017 at 7:00pm in the Public Meeting Room of Southborough Town Hall with regard to the petition for the appellants for the following:

Petition: Variance request(s) to build an attached (2) car garage to an existing home. Relief is requested for a 14'9 foot encroachment pursuant to Sec. 174-8.2 D(c) side setbacks 25 feet.

Sitting as a Board: Andrew R. Dennington, Chairman
Leo F. Bartolini Jr
Debbie Demuria
Craig Nicholson
Paul Drepanos

For the Appellants: Mr. Jason Kurtz, Applicant
168 Middle Rd.
Southborough, MA 01772

Procedural History:

1. An application for a Variance was filed in the Office of Southborough Building Department on May 3, 2017.
2. The application for a Variance is to construct an attached (2) car garage.
3. The applicant is seeking a Variance pursuant to Section 174-8.2 D(c) side setbacks 25 feet.
4. The Record Owner of the subject property is Deborah & Jason Kurtz, 168 Middle Rd., Southborough, MA
5. A public hearing before the Zoning Board of Appeals was duly noticed in Metrowest Daily newspaper on June 14, 2017 & June 21, 2017. The public hearing opened on June 28, 2017 and closed in the same evening.

Plans/ Documents:

1. Letters of support from property owners at 166 Middle Rd., 170 Middle Rd. & 197 Middle Rd.
2. Pictures of the subject property outlining the proposed addition location.
3. Letters from the Conservation Commission dated April 25, 2017 and June 13, 2017.
4. Nine (9) pages of elevations/floor plan drawings from the applicant.
5. Two (2) plot plans of land from the applicant dated March 29, 2017. One depicting the proposed attached (2) car garage addition and the other depicting a proposed detached (2) car garage.

Findings:

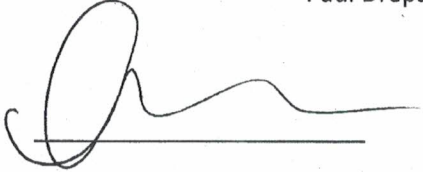
1. The proposal constitutes a Variance request under the Town of Southborough Zoning Bylaw.
2. The Property is located in the Residence A zoning district.
3. The applicant is proposing an addition of an attached (2) car garage to be located on the left side of the home, North side.
4. The proposal meets all other requirements with exception to the proposed side setback requirement of 25 feet.
5. The preferred plan is for an attached (2) car garage depicted on Plot Plan A.
6. The Board specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a 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 June 28, 2017, the Zoning Board of Appeals voted (4-1) to grant the Variance pursuant to Sec. 174-8.2 D (c) side setback 25 feet, for construction of an attached (2) car garage to an existing home.

- After review of all evidence and facts presented at this hearing, and after deliberations on the same, the Board voted (4-1) on a motion made by L. Bartolini, and seconded by P. Drepanos, with members voting as follows to grant the requested Variance without conditions:

Andrew R. Dennington	No
Leo F. Bartolini Jr.	Yes
Debbie DeMuria	Yes
Craig Nicholson	Yes
Paul Drepanos	Yes



Andrew R. Dennington, Chair

Signing on behalf of the Zoning Board of Appeals

Filed with the Town Clerk on: _____

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

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Laws, 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: _____

James F. Hegarty, Town Clerk

Date

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