

Mark Wickstrom, Chair  
 Bruce Desilets, Member  
 Kevin Harn, Member  
 Chris Currie, Alternate Member  
 Joseph Frisk, Alternate Member



Uxbridge Town Hall  
 21 South Main Street, Room 205  
 Uxbridge, MA 01569  
 508-278-8600 x2013 p  
 508-278-0709 f

## **DECISION**

**ZBA Case#** FY 17-26  
**Zone:** Residential A  
**Owner:** Michael King, Laura King, and Calvin Hatch  
**Property Address:** 76 Homeward Avenue  
**Assessor's Reference Map:** 18A Parcel: 1433  
**Worcester District Registry of Deeds References:** Book: 57026 Page: 68

Received by  
 Uxbridge  
 Town Clerk

## **VARIANCE APPROVED with Conditions**

**DECISION DATE** June 7, 2017

**BACKGROUND:** Michael King, Owner/Applicant, is seeking a **VARIANCE** to reduce the front setback to construct a 24' x 30' detached garage. Property is shown on the Town of Uxbridge Assessor's Map 18A Parcel 1433 and described in a deed recorded at the Worcester Registry of Deeds Book 57026 Page 68 and is located in Residential-A zone.

The board unanimously voted to approve the variance as proposed with the condition that the garage is for vehicle parking and storage and not for separate residential occupancy.

**VOTING MEMBERS PRESENT:** Chair, Mark Wickstrom; Member, Kevin Harn; Member Bruce Desilets

**SUBMITTALS:** Application form and materials were received May 15, 2017, including a copy of the certified abutter's list, a plot plan showing lot lines and a plan for the garage.

### **PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:**

At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was **opened and closed on June 7, 2017.**

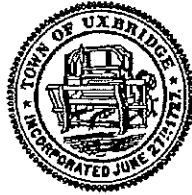
Mr. King, the homeowner, presented his project construct a detached two-car garage at the end of his driveway which is 50' from the street line. He is seeking relief of 15' from the 65' front setback requirement. Various locations and both attached and detached garages were evaluated and neither met setback requirements.

Board members referred to the Uxbridge Zoning Bylaws §400-12 Non-Conforming Uses and Structures and also considered whether there was a hardship caused by any of the of the criteria based on M.G.L. section 40§ A. The shape of the lot is very narrow (approximately 100') and is considered a pre-existing non-conforming lot. They found that the garage would not add to the non-conformity of the lot. Additionally, they found the structure as proposed fits in to the character and would not be detrimental to the neighborhood. Mr. King stated the garage would only be used for automobiles and storage and not for living space. No abutters attended the meeting to speak to the petition.

### **MOTION / VOTE:**

Mr. Desilets made a **MOTION** to close Public Hearing FY 17-26 76 Homeward Avenue. **MOTION SECONDED** by Mr. Harn passed unanimously by VOTE (3-0-0).

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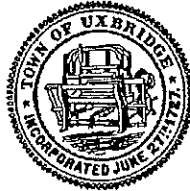
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### **MOTION / VOTE:**

Mr. Wickstrom made a **MOTION** that, based on evidence presented at the meeting, the applicant's proposal to construct a 24'x30' detached garage with a 50' frontage setback is not more detrimental than the existing non-conformity and does not derogate from the Uxbridge Zoning Bylaws and therefore we allow the **VARIANCE** of 15'. **MOTION SECONDED** by Mr. Desilets passed unanimously by **VOTE** (3-0-0).

The **VARIANCE** is granted with the **CONDITION** that the garage is used for vehicle parking and storage and not for separate residential occupancy.

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## SIGNATURE PAGE

Mark Wickstrom, Chair

Christopher Currie, Clerk

Kevin Harn, Member

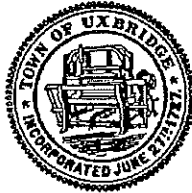
Bruce Desilets, Member

Joe Frisk, Alternate Member

June 7, 2017  
Date

Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.

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**Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.**

I hereby certify that twenty (20) days has elapsed from the file date and no appeal has been filed in this office.

A true copy:     **ATTEST**

\_\_\_\_\_  
Town Clerk, Kelly Dumas or  
Assistant Town Clerk

\_\_\_\_\_  
Date

Town Seal

**\*\*THE APPLICANT IS REMINDED OF THEIR RESPONSIBILITY TO RECORD THIS  
DECISION AT THE REGISTRY OF DEEDS PER THE CERTIFICATE OF GRANTING.  
NO PERMITS SHALL ISSUE UNTIL THE PERMIT IS RECORDED. \*\***