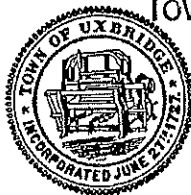


Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2019 p

DECISION

ZBA Case #: FY19-07
Zone: Residential A
Owner: Kristina Dean
Property Address: 14 C Street
Assessor's Reference Map: 12 Parcel: 3424
Worcester District Registry of Deeds References: Book: 21343 Page: 13

Special Permit Granted

Decision Date: November 7, 2018

BACKGROUND: 14 C Street, Kristina Dean, Owner/Applicant is seeking a **SPECIAL PERMIT OR VARIANCE** to allow for the construction of an addition outside the required front setback and right side setback on a property with pre-existing non-conformities to the lot & structure. Specifically, the Applicant is requesting the proposed addition to be set back 24.01 ft. from the front and 14.25 ft. from the right side.

VOTING MEMBERS PRESENT: Robert Knapik Chair, John Gniadek and Thomas McNulty

SUBMITTALS:

- Zoning Board of Appeals Application for either
- Proposed Addition Plan for 14 C Street, dated 10/15/18, Prepared by Existing Grade Inc., Douglas, MA
- Property Deed
- Certified Abutter List

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:

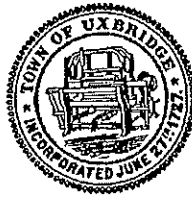
A public hearing was opened and closed on November 7, 2018.

Zach Gless, Existing Grade Inc., represented the Applicant during the hearing. He explained the site is a pre-existing non-conforming lot both in area and in frontage and the structure itself is also pre-existing non-conforming by not meeting existing front and side yard setbacks. He reviewed the plan and described the proposal to put a 14' two-story addition on to the side of the house which would reduce the side yard setback to 14.25 ft. and the front yard setback to 24.01 ft. Mr. Gless said he believed the appropriate relief to request is for a Special Permit as they are extending an existing single-family structure but left it open for discussion and the Board's recommendation.

The Building Inspector, Larry Lench, attended the hearing and provided comment. He stated he visited the area the location is at the end of a dead-end street and the lot is fenced in. He said he thought the Application, as proposed, met the criteria for a special permit as outlined on pg. 64 of the Uxbridge Zoning Bylaws. No members of the public provided comment during the public hearing.

During discussions, the Board agreed that relief in the form of a Special Permit is appropriate because it is a non-conforming lot and non-conforming structure and it relates to Section 400-12 Nonconforming Uses & Structures E. of the Uxbridge Zoning Bylaws. Mr. Knapik summarized that section by saying that non-conforming single-family residential structures may be extended upon a determination of the Building Inspector that the proposed activities do not increase the non-conformity. Because the proposed activities do increase the non-conformity, the Zoning Bylaw provides that the Board may by Special Permit allow such extension where it determines that the proposed extension is not substantially more detrimental than the existing non-conforming structure. The Board reviewed aerial images of the area and the abutting parcel which they observed to be an undeveloped land-locked lot.

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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508-278-0709 f

DECISION

ZBA Case #: FY19-07
Zone: **Residential A**
Owner: **Kristina Dean**
Property Address: **14 C Street**
Assessor's Reference Map: **12** Parcel: **3424**
Worcester District Registry of Deeds References: Book: **21343** Page: **13**

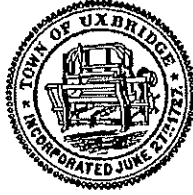
During deliberations all Board members agreed the proposed extension of the house will not be substantially more detrimental to the neighborhood than the existing structure. The Board found that the proposal met the standard as outlined in the Uxbridge Zoning Bylaw Section 400-12 E.

MOTION / VOTE:

Mr. McNulty made a **MOTION** to close the Public Hearing FY 19-07 for 14 C Street. **MOTION SECONDED** by Mr. Gniadek and passed unanimously by vote of 3-0-0.

Mr. McNulty made a **MOTION** that the Zoning Board of Appeals approve a Special Permit to construct an addition as outlined on the plan submitted. **MOTION SECONDED** by McNulty and passed unanimously by vote of 3-0-0.

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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DECISION

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SIGNATURE PAGE

Rob Knapik, Member

Mark Kaferlein, Member

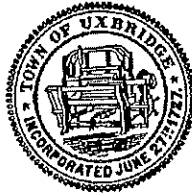
John Gniadek, Member

Thomas McNulty, Associate Member

November 7, 2018

Date

Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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DECISION

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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. ****