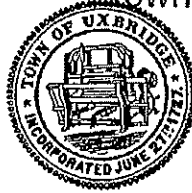


Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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

DECISION

ZBA Case #: FY19-10
Zone: **Agricultural Zone**
Owner: **Jeffrey and Kathryn Mogan**
Property Address: **140 Kasey Court**
Assessor's Reference Map: **48** Parcel: **4813**
Worcester District Registry of Deeds References: Book: **51931** Page: **329**

Variance Granted with Conditions

Decision Date: February 6, 2019

BACKGROUND: **140 Kasey Court, Jeffrey and Kathryn Mogan, Owners** are seeking a **VARIANCE** in order to construct a detached garage within the 75-foot front setback requirement for an accessory structure. The property is located in an **Agricultural Zone** and shown on the Town of Uxbridge Assessor's Map **48**, Parcel **4813** and described in a deed recorded at the Worcester Registry of Deeds in Book **51931**, Page **329**.

VOTING MEMBERS PRESENT: Rob Knapik Chair, Mark Kaferlein and Thomas McNulty

SUBMITTALS:

- Zoning Board of Appeals Application for a Variance submitted by Ben Mueller, Swiss Appeal on behalf of the property owners
- Garage Plan for 140 Kasey Court, Prepared by Swiss Appeal Design Construction, Dated 10/14/2018
- Property Deed
- Certified Abutter List

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:

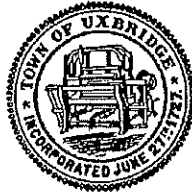
The public hearing was opened and closed on February 6, 2019.

Ben Mueller, Swiss Appeal, presented the application on behalf of Jeffrey and Kathryn Mogan. Mr. Mueller explained the original location chosen complied with the setback requirement but they encountered a significant slope and to construct the garage here would require an increase in tree removal and a substantial amount of fill to be brought in to level the area. By moving the original location forward thirty-five (35) feet they are able to avoid the additional work and cost and also utilize an existing curb cut on the property for the driveway. Mr. Mogan, the owner, also in attendance, stated his family plans to use the garage to store automobiles and other personal items.

The Uxbridge Building Inspector, Larry Lench reported he visited the property and confirmed there is a drop off and boulder pile approximately fifty (50) feet from the road. He also pointed out the existing curb cut and thought it to be an appropriate location to place the garage. He also noted there are detached garages on several abutting properties.

The Board reviewed the accessory setback requirement for an Agricultural Zone in the Uxbridge Zoning Bylaw and considered criteria outlined in M.G.L. section 40A §10. They found there was a hardship created by topography and soil conditions of the lot (the slope and boulder pile) resulting in to need for fill and tree removal dramatically increasing the cost of the project. Members also agreed, based on the applicant's presentation and the building inspector's report that granting the variance would not be detrimental to the public and it does not derogate from the intent of the Uxbridge Zoning Bylaw.

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



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508-278-8600 x2013 p
508-278-0709 f

DECISION

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MOTION / VOTE:

Mr. McNulty made a **MOTION** to close the Public Hearing for FY 19-10 140 Kasey Court. **MOTION SECONDED** by Mr. Kaferlein passed unanimously by vote of 3-0-0.

Mr. Kaferlein made a **MOTION** that the Zoning Board of Appeals **GRANT** the **VARIANCE** with **CONDITIONS** for FY19-10 140 Kasey Court to reduce the front setback for an accessory structure requirement from seventy five (75) feet to forty (40) feet on the finding that the topography and soil conditions represent a substantial hardship to the applicant and the grant of the variance is not detrimental to the neighborhood and will not derogate from the intent of the Uxbridge Zoning Bylaws.

CONDITIONS:

1. Any utility lines are installed underground
2. The use is to be personal in nature and the garage is not to be used as a place of business

MOTION SECONDED by Mr. McNulty and the motion 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

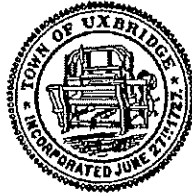
Mark Kaferlein, Member

John Gniadek, Member

Thomas McNulty, Associate Member

February 10, 2019
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. ****