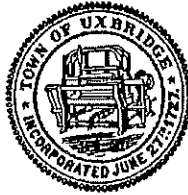


Rob Knapik, Member
John Gniadek, Member
Mark Kaferlein, Member
Thomas McNulty, Associate Member



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

DECISION

REC'D UXB TOWN CLERK
2019 JUL 23 AM 9:06

ZBA Case #: **FY20-01**
Zone: **Residential C**
Owner: **Outlaw Two, LLC**
Property Address: **20 Glen Street**
Assessor's Reference Map: **36** Parcel: **4127**
Worcester District Registry of Deeds References: Book: **59133** Page: **289**

Variance Granted

Decision Date: **July 10, 2019**

BACKGROUND: 20 Glen Street, Outlaw Two, LLC, Tony Brookhouse, Owner/Applicant, is seeking a **VARIANCE** of twelve feet (12') to the rear setback requirement for the existing deck attached to the single-family dwelling. The property is shown on the Town of Uxbridge Assessor's Map **36 Parcel 4127** and described in a deed recorded at the Worcester Registry of Deeds **Book 59133 Page 289**. The property is located in the **Residential C Zone**.

VOTING MEMBERS: Rob Knapik, Mark Kaferlein, and John Gniadek

SUBMITTALS:

- Zoning Board of Appeals Application for a Variance submitted by Andrews Survey and Engineering
- Zoning Board of Appeals Plan of 20 Glen Street prepared by Andrews Survey and Engineering and dated 5/24/19.
- Property Deed
- Certified Abutter List

PRESENTATION / DELIBERATIONS / FINDINGS OF FACT:

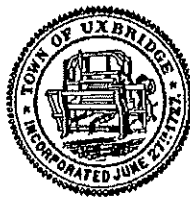
At a meeting of the Town of Uxbridge Zoning Board of Appeals, a duly noticed public hearing was **opened and closed on July 10, 2019**.

Steve O'Connell, of Andrews Survey and Engineering, represented the applicant during the public hearing. The dwelling was constructed approximately 4 months ago and during the final inspection to obtain an Occupancy Certificate, it was discovered by the Uxbridge Building Inspector that a 12'x20' deck was outside the rear setback requirement. Mr. O'Connell explained this is the last house constructed in a subdivision that approved in the 1990's and completed approximately 10 years ago. He stated it was a challenging property to develop that required permitting from the Board of Health and the Conservation Commission due to wetlands. He claimed that owing to the hydric soil conditions on the site, there was only a small footprint where the dwelling could be placed without much flexibility and that it was not unreasonable to have a modest deck off the back of the house with a sliding door in the kitchen.

Mr. Lench attended at the hearing and confirmed the wetland conditions on the site. He also said the lot is densely wooded and the dwelling is not visible to abutting properties. He explained that the plans submitted with the building permit application showed the deck placed on the left side of the house inside the setbacks. It was his understanding that either the builder or the homeowner saw an opportunity for a daylight basement with patio on the left side so a "field adjustment" was made to move the deck to the rear of the house. Mr. O'Connell added that site grading also contributed to the decision. No abutters attended the hearing.

During deliberations the Chair confirmed the Uxbridge Zoning Bylaw §400-49 authorizes the board to hear and decide on petitions for Variances as set forth in M.G.L c. 40A §10. Members agreed that soil conditions and topography of the lot resulted in a hardship and options were limited. They also agreed that granting the relief

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



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requested, as proposed, would not be detrimental to the public and does not derogate from the intent of the bylaw.

MOTION / VOTE:

Mr. Gniadek made a **MOTION** to close the Public Hearing for FY 20-01 for 20 Glen Street. **MOTION SECONDED** by Mr. Kaferlein passed unanimously by vote of 3-0-0.

Mr. Gniadek made a **MOTION** that the Zoning Board of Appeals **GRANT** the **VARIANCE** for relief from the rear setback requirement from forty feet (40') to twenty-eight feet (28') as proposed in application FY20-01 for 20 Glen Street, based upon a finding that the soil conditions and topography of the lot are unique and result in a hardship.

MOTION SECONDED by Mr. Kaferlein passed unanimously by **VOTE** of 3-0-0.

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

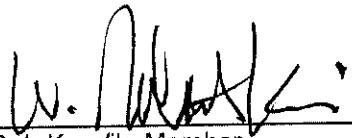


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DECISION

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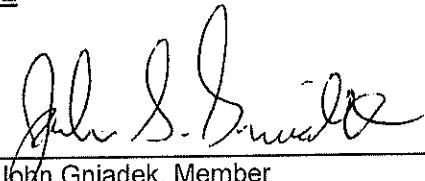
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Rob Knapik, Member

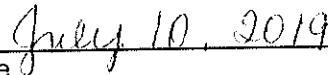


Mark Kaferlein, Member



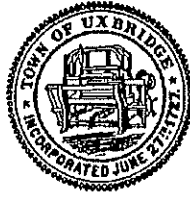
John Gniadek, Member

Thomas McNulty, Associate Member



Date

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



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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. ****