

Rob Knapik, Chairman  
John Gniadek, Vice Chairman  
Mark Kaferlein, Clerk  
Thomas McNulty, Associate Member  
Jim Blackburn, Associate Member



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

## Zoning Board of Appeals Decision

ZBA Case #: FY21-02  
Zone: Residential A Zone  
Applicant: James Priestly  
Property Address: 83 St. Andre Drive  
Assessor's Reference Map: 12C Parcel: 3372  
Worcester District Registry of Deeds References: Book: 58718 Page: 244

RECD UXB TOWN CLERK  
2020 AUG 13 10:39 AM

### **VARIANCE GRANTED**

Decision Date: August 5, 2020

**BACKGROUND:** 83 St. Andre Drive, the applicant James Priestly, LLC, is seeking a **SPECIAL PERMIT** or a **VARIANCE**, for a new 12'x20' garage storage structure on site.

#### **SUBMITTALS:**

- Zoning Board of Appeals Application for a Special Permit
- Property Deed
- Certified Abutter List
- Proposed Storage Garage Plan, Prepared by Existing Grade Inc., Dated 7/9/20, Project #1935
- Town of Uxbridge Annual Report (January 1, 1991 – June 30, 1992) containing St. Andre Drive Street Acceptance information

**VOTING MEMBERS:** Robert Knapik, John Gniadek, Jim Blackburn

#### **PRESENTATION:**

A public hearing was open and closed on August 5, 2020. The hearing was conducted via remote participation pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place due in response to the Covid-19 pandemic.

Mr. Priestly, the homeowner, presented his application to the Board to add a detached garage to his property, located approximately one hundred forty feet (140') from the road, to be used for storage of a restored military jeep. He explained that during the building permitting process, it was discovered by the Building Inspector that a portion of what appears to be his property is designated on plans as St. Andre Drive and some relief from the ZBA would be required. Mr. Priestly also noted that the existing shed on the property will be removed and the existing driveway carried through to the proposed garage.

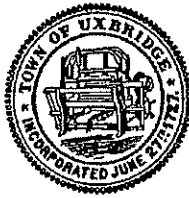
#### **DISCUSSION, FINDINGS, DELIBERATIONS:**

Larry Lench, Uxbridge Building Inspector, attended and confirmed there are two different plans for the road. He also said that if the lot lines were drawn from the street relief would not be required.

Members agreed, at some time, St. Andre Drive was intended to end as a cul-de-sac with an approximate sixty-foot (60') radius and a property line was established on road plans. However, St. Andre was not constructed with cul-de-sac as the road is connected to Robert Street and Beverly Avenue as confirmed by the Building Inspector and current aerial images.

Two surveyors, Existing Grade Inc. and Uxbridge GIS Property Information, confirm that Mr. Priestly's property line is the cul-de-sac which is just a few feet from the principal structure, rendering it non-conforming. The existing lot does not have the required area, frontage, and does not meet the current setbacks for the current existing accessory structure, the shed.

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Members evaluated the regulations and criteria to determine whether a Special Permit or a Variance would be the proper relief. Specifically, Section 400-12, Non-Conforming Uses and Structures of the Uxbridge Zoning Bylaws was explored but because the proposal is for a separate structure, members concluded applying the standard of a Variance would be more appropriate. After further discussion, it was agreed that the specific relief required is to the sixty-five foot (65') Front Yard Setback requirement for an Accessory Structure as defined in the Uxbridge Zoning Bylaw Appendix B.

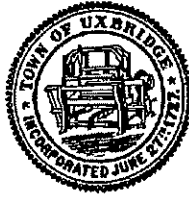
During deliberations, the Board considered the criteria outlined in M.G.L. Chapter 40A §10 and found that there is a hardship owing to the unique shape of the property with the existence of the St. Andre Drive cul-de-sac which was never constructed. Members also agreed, based on the applicant's presentation and the building inspector's report, that granting a Variance will not be detrimental to the public and does not derogate from the intent of the bylaw.

### **MOTION / VOTE:**

Mr. Blackburn made a **MOTION** to close the Public Hearing for FY21-02 83 St. Andre Drive. **MOTION SECONDED** by Mr. Gniadek passed unanimously by roll call **VOTE** of 3-0-0 (Blackburn – aye, Gniadek – aye, Knapik – aye).

Mr. Blackburn made a **MOTION** that the Zoning Board of Appeals **GRANT** a **VARIANCE** of eighteen feet (18') from sixty-five feet (65') to forty-seven feet (47') in accordance to the plan submitted on a finding that the lot shape is unique and creates a hardship. **MOTION SECONDED** by Mr. Gniadek. **MOTION PASSED** by a unanimous roll-call vote of 3-0-0 (Blackburn - aye, Gniadek – aye, Knapik – aye).

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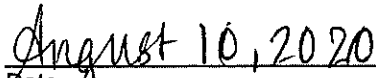
  
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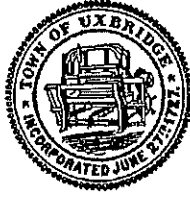
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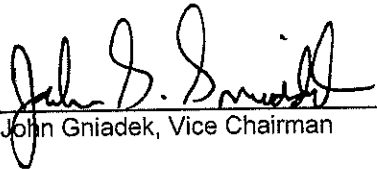
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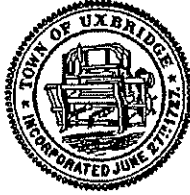
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August 10, 2020  
\_\_\_\_\_  
Date

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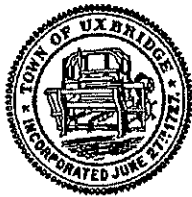
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08/12/2020

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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. \*\***