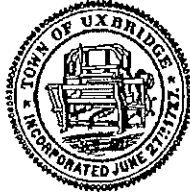


Rob Knapik, Member  
John Gniadek, Member  
Mark Kaferlein, Member  
Thomas McNulty, Associate Member  
Jim Blackburn, Associate Member



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

## **Zoning Board of Appeals DECISION**

ZBA Case #: FY21-15  
Zone: Residential A Zone  
Applicant: Michael Martin  
Property Address: 75 High Street  
Assessor's Reference Map: 24B Parcel: 3128  
Worcester Registry of Deeds Book: 60223 Page: 204

### **VARIANCE GRANTED**

Decision Date: August 4, 2021

**VOTING MEMBERS:** Rob Knapik, John Gniadek, & Thomas McNulty

#### **SUBMITTALS:**

- Complete Zoning Board of Appeals Application and Fee
- Certified Abutters List
- Certified Plot Plan for 75 High Street prepared by Christopher C Charlton, PLS, dated March 29, 2021

#### **REQUEST:**

The applicant, **Michael Martin**, is seeking a **VARIANCE** of two-feet (2') to the rear setback requirement of five feet (5') for the placement of a detached garage at **75 High Street**.

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

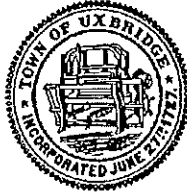
A public hearing for the application was opened and closed on August 4, 2021. The property owner, Michael Martin represented himself during the hearing. He explained the existing detached garage has been demolished and he would like to relocate it in the proposed location to gain more driveway and yard space on his property. He noted that the size and shape of lot limited options for placement of the garage.

Larry Lench, Uxbridge Building Inspector attended the hearing. He explained the property is a pre-existing, non-conforming lot in area and various setbacks and that Mr. Martin would be allowed to re-build a detached garage on the existing garage footprint. He recommended that Mr. Martin push the location back to move it further from the front setback.

No members of the public commented during the public hearing.

Board members reviewed the standard for the grant of a variance as outlined in M.G.L. Chapter 40A §10. There was consensus among members that the constraints brought on by the shape of the lot represented a circumstance in which literal enforcement bylaw would cause a hardship. They also found granting the relief would not be detrimental to the public or derogate from the intent of the Uxbridge Zoning Bylaw.

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



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## **Zoning Board of Appeals DECISION**

ZBA Case #: FY21-15

Zone: Residential

Applicant: Michael Martin

Property Address: 75 High Street

Assessor's Reference Map: 24B Parcel: 3128

Worcester Registry of Deeds Book: 60223 Page: 204

Board members also applied Section 400-12 D. *Nonconforming Structures: Variance/Special Permit Required* of the Uxbridge Zoning Bylaw to address the front setback requirement relief.

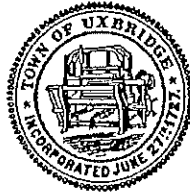
### **MOTIONS / VOTES:**

Mr. McNulty made a **MOTION** to close the Public Hearing for FY21-15 75 High Street. **MOTION SECONDED** by Mr. Gniadek passed unanimously by **VOTE** of 3-0-0.

Mr. McNulty made a **MOTION** that the Zoning Board of Appeals **GRANT** the **VARIANCE** for ZBA application FY21-15 75 High Street upon the finding that there are circumstances owing to the shape of the lot and relief can be granted without detriment to the town. **MOTION SECONDED** by Mr. Gniadek passed unanimously by **VOTE** of 3-0-0.

Mr. McNulty made a **MOTION** that the Zoning Board of Appeals find that the increased setback of the garage from High Street is not substantially more detrimental than the existing setback to the neighborhood. **MOTION SECONDED** by Mr. Gniadek passed unanimously by **VOTE** of 3-0-0.

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



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## Zoning Board of Appeals DECISION

ZBA Case #: FY21-15

Zone: Residential

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### SIGNATURE PAGE

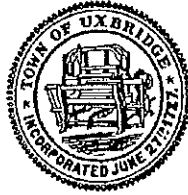
Rob Knapik, Chairman

John Gniadek, Vice Chairman

  
\_\_\_\_\_  
Mark Kaferlein, Clerk  
\_\_\_\_\_  
Thomas McNulty, Associate Member  
\_\_\_\_\_  
Jim Blackburn, Associate Member

August 4, 2021  
\_\_\_\_\_  
Date

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



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## **Zoning Board of Appeals DECISION**

ZBA Case #: FY21-15

Zone: Residential

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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. \*\***