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CITY OF MARLBOROUGH
City of Marlborough
Zoning Board of Appeals
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768

Meeting Minutes

For Meeting Held: Jan 16, 2024 7:00 PM, at 3rd Floor, Memorial Hall, City Hall, 140 Main Street, Marlborough.

Members Present: Ralph Loftin-Chairman, Robert Levine, Thomas Pope, and Thomas Golden.

Members Absent: None.

Also Present: Tin Htway – Building Commissioner, William Paynton – Assistant Building Commissioner, Priscilla Ryder – Conservation Officer/acting ZBA secretary, David & Katherine Mason – Owner, Representative: Atty. Christopher Flood 14 Winthrop St. Marlborough, Ma 01752.

Items Discussed:

1. Zoning Board of Appeals Case # 23-1500

Applicant: David and Katherine Mason – Represented by Atty. Christopher Flood

Location of Subject Property – 553 Elm St. Map 67 Parcel 16

Petition: This is a request for relief taken under M.G.L Ch. 40A § 10, 13 and 14 to the Zoning determination of the City's Building Commissioner dated November 9, 2023, as said determination affects premises at 553 Elm St. The applicant requested a zoning determination of the Building Commissioner as to whether the proposed 19'x32' addition can be built by right in the Zoning District A2. The Building Commissioner determined that the applicant requires relief from Chapter 650 Article 41, "Table of Lot Area, Yards and Height of Structures", of the City Code of Marlborough. The applicant is seeking relief in the form of a Variance to construct an addition, replacing the existing patio, which exceeds the minimum rear yard setback requirement of 40 feet. The proposed rear yard setback is 32.6 feet.

Atty. Christopher Flood made his presentation as follows:

Stated the adjoining lots have similar shapes but are deeper. The subdividing of the adjoining rear lot (67-17A) created the odd shape lot on 553 Elm St.

Mr. Loftin – Chairman feels that Lot Shape is not unique to the neighborhood. Prior variance issued is not relevant to this case. Also, the “financial or otherwise” hardship as stated by the applicant does not meet the criteria under “Financial Hardship.” Because the applicant desires to build a larger home the “hardship” is created by the applicant.

Mr. Levine – Board Member – Hardship must relate to the unique condition of the property itself. Lot Shape is not unique to the area.

Atty Flood stated hardships:

1. Hardship is financial or otherwise – Considering the makeup of the interior of this single-family, one-story home, to construct upward and remove the existing roof to create a 2nd floor would be very costly and the family would have to be displaced during construction, and a new staircase will need to be added.
2. The hardship is also the irregular lot shape. In 1987 as a result of the split rear adjoining lot created new lot lines, thus the irregular lot shape of 553 Elm St.
3. Enforcement of the zoning code will be a hardship to his client.

Mr. Mason – Applicant stated the following:

1. The current front and side setbacks will remain the same.
2. His options may be to build above the garage which is not feasible because the garage floor is over a slab, so utilities cannot be located under the garage floor. Or to create a 2nd floor, several existing windows will need to be replaced and that would be costly.

A motion was made by Robert Levine and seconded by Thomas Pope to close the public hearing. On a 4-0 vote the public hearing was closed. It should be noted with four members present the applicant must have four affirmative votes to be granted a variance. It appears Board Members Thomas Pope and Thomas Golden were in favor of granting a variance.

The Board reminded the applicants that they could "Withdraw Without Prejudice" prior to the vote of the board.

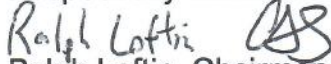
The applicant requested to "Withdraw Without Prejudice." On a motion by Board Member Levine, seconded by Board Member Pope to allow the applicant to withdraw without prejudice. The Board voted 4-0 to grant the applicant's request to "Withdraw Without Prejudice."

On a motion by Board Member Levine, seconded by Board Member Pope, to adjourn, the Board voted unanimously 4-0 to adjourn. Meeting was adjourned at 7:31.

Minutes prepared by:

Priscilla Ryder acting Secretary.
Zoning Board of Appeals

Respectfully submitted:

A handwritten signature in dark ink, appearing to read "Ralph Loftin" followed by a stylized monogram or flourish.

Ralph Loftin, Chairman

Zoning Board of Appeals