

**Zoning Board of Appeals**  
**Minutes**  
**October 27, 2015**

**Members present:** Paul Giunta-Chairman, Theodore Scott, Ralph Loftin and Robert Levine. (Thomas Golden arrived too late, resulting in not hearing a good portion of the testimony, so Mr. Golden did not participate in the vote)

**Location:** 35 Houde St.

**Petition:** The applicant desires to construct an attached two car garage with a mud room, being 14 ft. 4 in. vs. the required minimum 20 ft. from the side lot line. Chapter 650 §41-Table of Lot Area, Yards, and Height of Structures. The property is located in Zoning District A-1, being Map 66, Parcel 142 of the Assessor's Maps. Also known as 35 Houde St.

Present this evening were the applicants Anthony and Margaret Arena, 35 Houde St. and Andre Blais, 8 Houde St., Marlborough, MA. There was no one present to speak in favor or in opposition to the petition.

The lot in question is 22,949 sq. ft. in area. The existing house is positioned more toward the left side lot line; there is a 15 ft. city easement on the property before the right side lot line. The house was built in 1983. The topography of the lot slopes down from the rear of the property to the front. The lot in question is surrounded by house lots to the left and right of the lot in question. To the rear of the lot is city owned land "Korean Veterans Field".

**Plans:**

- The applicant submitted a Plot Plan entitled: Required Variance, 35 House St., Marlborough, MA Prepared for Andre Blais, 8 Houde St. Marlborough, MA Prepared by: Bruce Saluk & Assoc., Inc. Dated: Rev. Sept. 10, 2015.
- At the hearing, the applicant showed a Mortgage Plot Plan (not in Board's file)

**Hardship:** The applicant stated hardship is that the existing house was built close to the left side lot line, thus creating their hardship in trying to construct an attach 2 car garage with a mud room. The existing driveway is located at the left of the house. It is not feasible to construct on the right side of the house, because of a chimney and the living room is located on that side. At the rear is the pool. A one car garage is not feasible, because they have 2 cars.

The applicant thought their Mortgage Plot Plan was an accurate plan showing that they had more footage between the proposed garage to the side lot line. The Board explained that this type of plan is a visual survey (not an instrument survey) and may not accurately indicate distances from the structure to the lot lines.

The applicant indicated that previously a section of the southeast (left rear) stonewall had fallen over and that he reset the stones, not knowing that one of the stones had a drill hole

that was the property corner marker. The applicant further indicated that his surveyor may have erroneously used the new location of the drill hole. The Board suggested that the applicant secure the subdivision plan indicated in his deed to see if there are property line bearings and if these bearings match the bearings on their surveyors certified plot plan.

Andre Blais, a friend helping them out, was present. He stated the mud room is necessary because of the difference in elevation between the first floor of the house and the proposed garage floor.

The Board informed the applicant that the stated hardship does not meet the criteria for a variance. The Board explained to the applicants that inconvenience, personal or financial, is not a “hardship”. The Board mentioned a few options that they may have, so they do not need a variance, i.e. construct a one car garage, eliminate the mud room or place the garage on the other side of the house.

There was much discussion about the survey boundary lines, the Mortgage Plot Plan and the Plot Plan.

The Board informed the applicants that they felt there was no “hardship” according to Mass. General Law Chapter 40A, Section 10 as stated by the applicant. The Board also felt they have other options to acquire a 2 car garage for their house without a variance.

The Board suggested to the applicants to either “Withdraw Without Prejudice” or they can continue the public hearing if they want to come back to the Board with additional information.

The applicants agreed to “Withdraw Without Prejudice”. They stated they will try to find the original subdivision plan for the house lots on Houde St. This plan may reveal more information concerning the location of the property lines.

The Board voted 4-0 to grant the applicant to “Withdraw Without Prejudice”.

With no other testimony taken or given, the public hearing was closed.

Respectfully submitted,



Paul Giunta  
Chairman