



**CITY OF MARLBOROUGH
ZONING BOARD OF APPEALS
Application for Variance or Appeal Hearing**

Official Use : 3-4-2022
 Date Received : 1/18/22 City Clerk's # _____ ZBA Case # 1489-2022

Request for :
 Variance Appeal

Information :
 Property Address 60 Harvard Street Zoning District RB Map# 82 Parcel# 11

Applicant is: Owner Tenant Prospective Purchaser Other _____

I am the owner of the property and I have knowledge of, and consent to, this application.

Owner's signature [Signature] Date 2/23/22
 Owner's name Gabriele Luzzi Address 60 Harvard St, Marlborough
 State MA Zip 01752 Phone# 978-763-5624 E-mail gluzzi46@gmail.com

Applicant name _____ Address _____
 State _____ Zip _____ Phone# _____ E-mail _____

Representative Name: Christopher Flood Company Law Offices of Flood & Favata PC
 Address 14 Winthrop Street, Marlborough
 State MA Zip 01752 Phone# 508-624-4700 E-mail chrisflood@floodlaw.net

Describe below what is being requested, such as what is the proposed action, relief, or construction on the property.

The owner seeks to construct additional driveway area to have enough parking for the existing two family house.

Provide below all sections of the Zoning Ordinance (Chapter 650, Article(s), Section(s), Paragraph(s), Subsection(s)) which are pertinent to the Variance (see denial letter).

Zoning section 650-41

Variance

1. What is the soil condition, shape or topography of **YOUR** lot or structure which **DISTINCTLY** affects your lot, as distinguished from other lots in the zoning district which it is located.

The hilly topography on the west side of the property prevents consolidating the parking in one area to avoid exceeding the lot coverage requirements.

2. What is the **HARDSHIP** that is **CAUSED** by the soil condition, shape or topography of your lot or structure stated above. **PERSONAL INCONVIENCE** is **NOT** a hardship. A hardship imposes a substantial financial penalty or directly affects your use of the land or structure as it is zoned.

The topography of the lot prevents consolidating the parking in one area. The lack of parking for this two family home directly affects the owner and tenants use of the land and structure. In addition, the owner cannot provide the required parking for a multifamily home as required. The owner is also caused a financial hardship in having to provide off site parking.

3. State how the variance you are requesting, if granted, will not nullify or detract from the intent or purpose of the Zoning Ordinance.

The purpose of the Zoning Ordinance is to promote and conserve the health and general welfare of the inhabitants of the city; to secure safety from fire, confusion, or congestion; to facilitate the adequate provision of transportation, water, sewerage and other public services; to avoid undue concentrations of population; to encourage the most appropriate use of land and to increase the amenities of the city. (Section 200-2). Allowing proper parking at this two family home will secure these zoning intents and will encourage the most appropriate use of the land in this district.

4. State how the variance you are requesting, if granted, will not diminish the public welfare or well-being.

Granting the variances will not be detrimental to the public good. This is a residential neighborhood near downtown Marlborough. The occupants of the property will be able to park off of the street. There will be no effect on neighboring properties. In addition, although the spirit and intent of the lot coverage requirement is the preservation of green and open space, there is still significant green space at this residential property.

Appeal

State the specifics of the Appeal (use additional sheet if necessary).

The Applicant seeks a variance of the lot coverage limit of 30% as required per Zoning Section 650-41 and approve a variance of lot coverage of 38.13%.

Application Packet:

The applicant shall submit ten (8) copies of the application packet which shall contain sufficient information to illustrate and defend the applicant's case and as a minimum shall consist of the following:

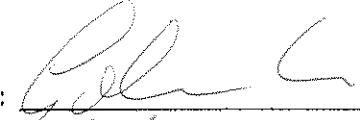
- Completed Zoning Board of Appeals Application Form
- Abutters List certified by the Assessor's Office
- Copy of denial letter from City Official
- Certified Plot Plan prepared and stamped by a Massachusetts Registered Professional Land Surveyor. A mortgage plan is NOT a certified plot plan. The certified plot plan shall include:
 - Plan Size 8 1/2" x 11" or 11" x 17"
 - Plans drawn to accurate scale with north arrow
 - Owner names and street addresses of directly abutting lots
 - Name of streets and zoning districts.
 - Bearing and distances of subject property
 - Dimensions and property line setbacks of all structures on subject property
 - Location of driveways, parking areas and other impervious surfaces on subject property
 - Location of walls, curbing, major landscaping, fences on subject property
 - Location of easements, wetlands and floodplains on subject property, if applicable
 - Dimensions and property line setbacks of all proposed work
 - Lot Coverage (area covered by all impervious surfaces) existing and proposed
 - Location and property line setbacks of structures, fences, driveways etc. on abutting lots that are within fifteen (15) feet of subject property lines
- Site plans of subject property showing topography and drainage structures, if regrading of the site or rerouting of runoff is proposed or if property is in Floodplain and Wetland Protection District.
- Architectural plans of new or modified building structure, if applicable.

Filing Fee: Filing fees are based upon the proposed USE of the property:

- Residential Non--revenue bearing \$130.00
- Residential Revenue bearing \$250.00
- Business, Commercial or Automotive \$375.00
- Industrial, Limited or Full \$500.00
- Special Permit (Flood Plain and Wetland Protection District..... \$450.00

Hearing Request: I hereby request a hearing before the Zoning Board of Appeals regarding this application packet and I am aware that two (2) legal ads will be placed in the MetroWest Daily News or the Marlborough Enterprise Weekly newspaper which will be billed directly to me or my representative. I am further aware that I am responsible for sending copies of the Notice of Hearing to all the abutters on the certified list at least fourteen (14) days prior to the hearing date and that I will submit the receipts confirming this mailing to the zoning office seven (7) days prior to the hearing. Finally, I am aware that I am required to record the board's certified decision and the certified plot plan with the Registry of Deeds in order for it to take effect.

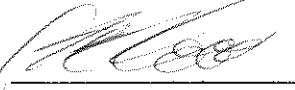
ZBA Case # _____

Applicant's signature: 

Date: 2/28/22

Print name: GABRIELE LUZZI

and/or

Representative's signature: 

Date: 2/28/22

Print Name: CHRISTOPHER M FLOOD

Official Use Only:

Received from applicant, the sum of \$ 130⁰⁰ Check # _____

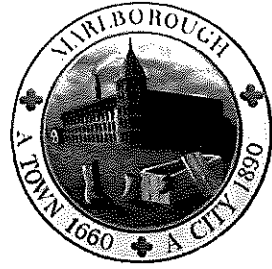
Signature of the agent of the Zoning Board of Appeals:



Date: 3-4-2022

Susan Brown - Board Secretary
Department - Zoning Board of Appeals
140 Main Street
Marlborough, MA 01752
Tel# 508-460-3768 E-mail: sbrown@marlborough-ma.gov

The date and signature of the agent of the Zoning Board of Appeals will serve as certification as to when the **COMPLETE** application packet accompanied by the proper filing fee was filed with this office.



City of Marlborough

BUILDING DEPARTMENT

140 Main Street
Marlborough, MA 01752
Tel. (508) 460-3776 Facsimile (508) 460-3736
building_dept@marlborough-ma.gov

TIN HTWAY
BUILDING COMMISSIONER

LAURENT "LARRY" LEMIEUX
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

WILLIAM PAYTON
BUILDING INSPECTOR

ETHAN LIPPITT
BUILDING INSPECTOR

MICHAEL LEEDS
BUILDING INSPECTOR

ZONING DETERMINATION

February 9, 2022

Gabriele Luzzi & Lesley Xu
60 Harvard, Street
Marlborough, MA 01752

RE: 60 HARVARD STREET — ADDITIONAL PARKING AREA

Mr. Luzzi,

Based upon the plot plan prepared by Bruce Saluk, P.E., L.S. dated 06/25/2021, and revised on 10/11/2021, to provide a new 18'x18' parking area at the property listed above, located in zoning district (RB) does not comply with Chapter 650, Article 41, "Table of Lot Area, Yards and Height of Structures", of the City Code of Marlborough. This office offers the following comments:

- 1) The property is a legal pre-existing, non-conforming two-family structure with a parking area on the front/right side of the structure.
- 2) Existing lot coverage is pre-existing non-conforming at 34.64%. Your proposed lot coverage is 37.98%, an increase of 3.34% in the non-conformity. Maximum coverage allowed in RB zoning district is 30%.

Your proposed additional parking area will require relief in the form of a Variance issued by the Zoning Board of Appeals. Detailed plans showing the existing conditions and the proposed additional parking area will be required with your application to the ZBA.

You have the right to appeal this determination to the Zoning Board of Appeals as stated in the City Code section 650-57.

An appeal from this denial may be taken to the Zoning Board of Appeals by filing a Notice of Appeal with the Zoning Board of Appeals within 30 days of the date of this denial letter. Further information should be obtained from the Board of Appeals secretary, Susan Brown at 508-460-3768.

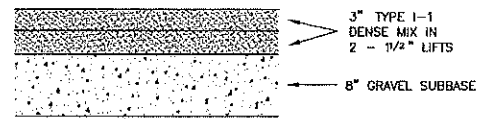
60 HARVARD STREET-ADDITIONAL PARKING AREA

The code in its entirety may be found at www.ecode360.com/MA1056

Sincerely,



William Paynton
Local Building Inspector
City of Marlborough, MA
(508)460-3776
wpaynton@marlborough-ma.gov
www.Marlborough-MA.gov



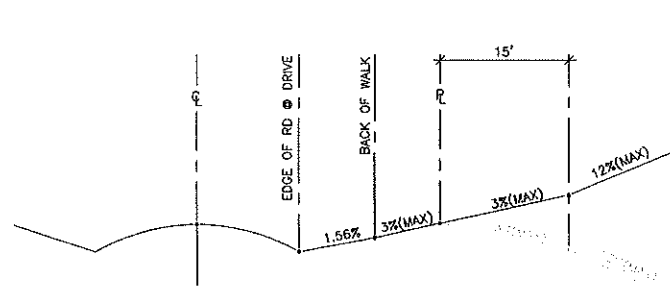
PAVEMENT DETAIL
N. T. S.



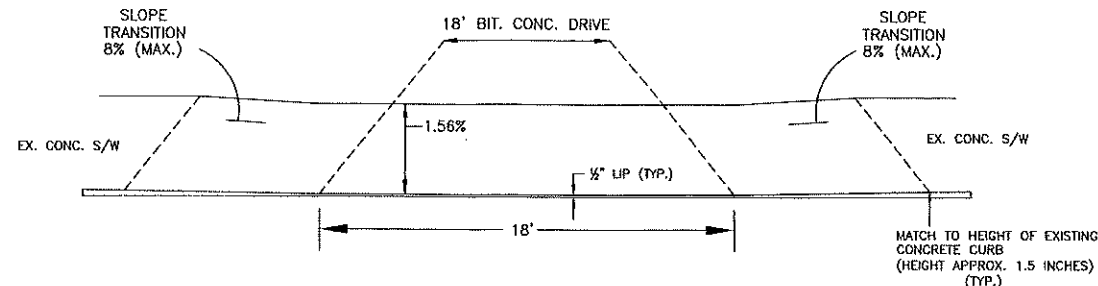
Bruce M. Saluk

NOTES:

- 1.) THE LAND SHOWN IS LISTED AS ASSESSOR MAP 82 PARCEL 211, LOCATED IN THE "RESIDENCE B" ZONE.
- 2.) OWNER DEED REFERENCE:
OWNER: GABRIELE LUZZI & LESLEY XU
DEED BK. 69083 PG. 434
PLAN: 442 OF 1974
- 3.) ELEVATIONS SHOWN ARE NAVD 1988 DATUM.
- 4.) THE PURPOSE OF THIS PLAN IS TO SHOW 2 PROPOSED 9'x18' OFF STREET PARKING SPACES. PROPOSED BIT. PARKING AREA TO BE 18'x18'
- 5.) NO CURB ALONG NORTH SIDE OF HARVARD STREET, APPROXIMATELY 1.5' LIP ALONG SIDEWALK TO ROAD PAVEMENT, ONLY. *SEE SIDEWALK THROUGH DRIVEWAY DETAIL (THIS SHEET)



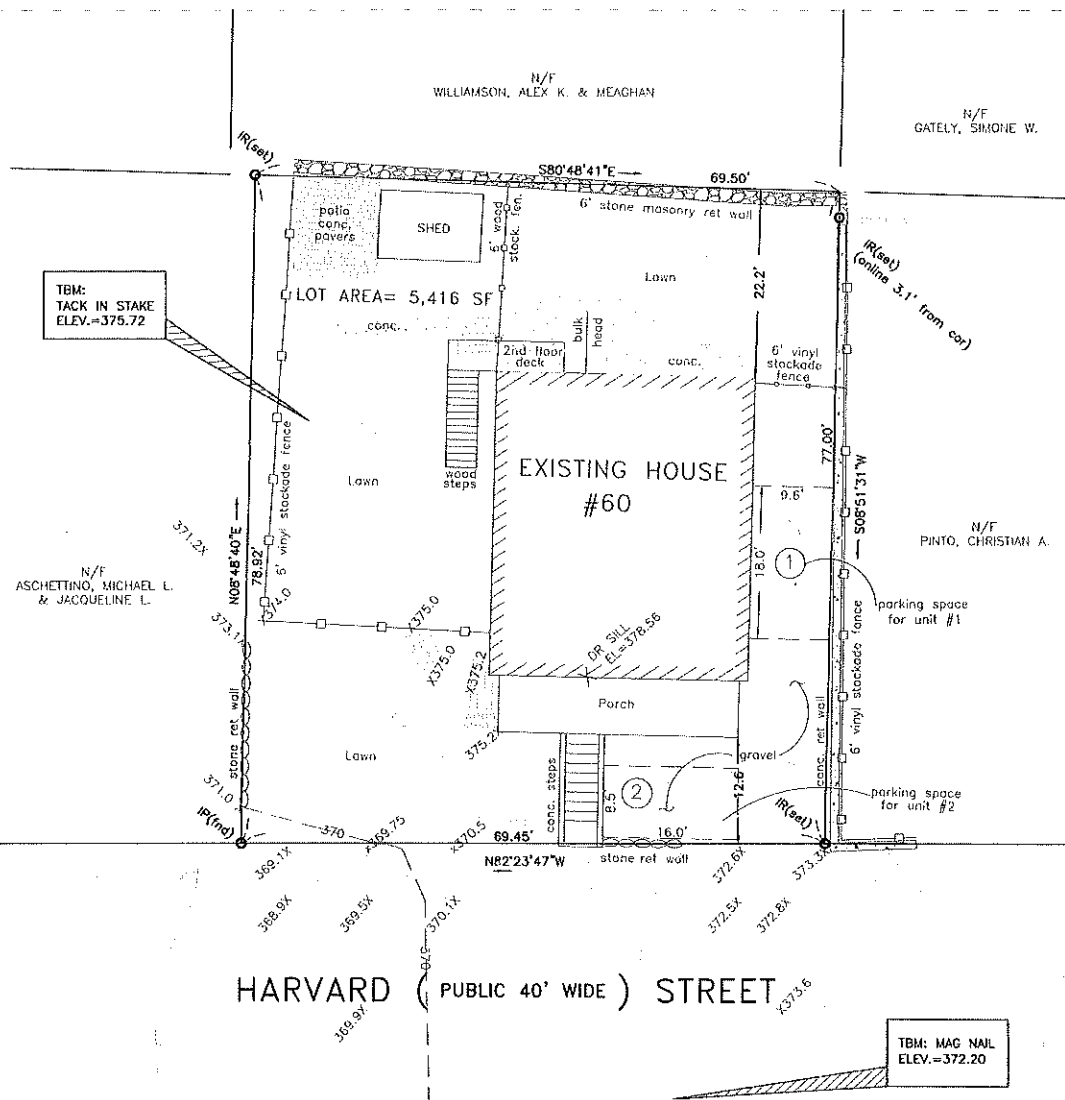
DRIVEWAY SECTION
N. T. S.



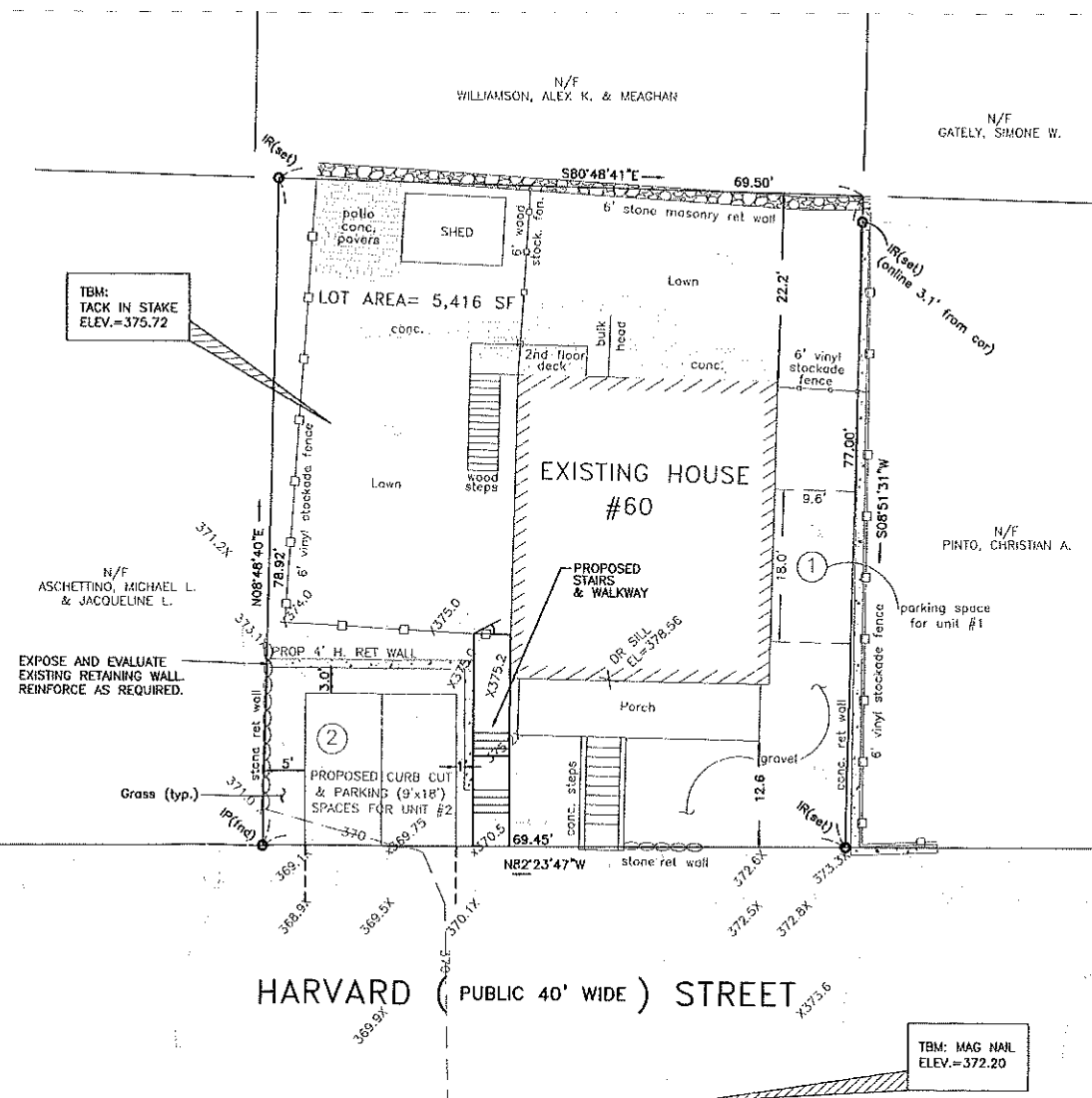
SIDEWALK THROUGH DRIVEWAY
N. T. S.

MARLBOROUGH, MA ZONING CHART			
ZONE DISTRICT "RB"			
ITEM	REQUIRED	EXISTING	PROPOSED
(MIN.) LOT AREA	8,000 SF	5,416 SF*	5,416 SF*
FRONTAGE	100 FT.	69.45 FT.*	69.45 FT.*
SIDE YARD	15 FT.	9.6 FT.*	9.6 FT.*
FRONT YARD	20 FT.	12.6 FT.*	12.6 FT.*
REAR YARD	30 FT.	22.2 FT.*	22.2 FT.*
BUILDING HEIGHT	2.5 STORIES	2 STORIES	2 STORIES
LOT COVERAGE	30% MAX.	34.64%*	37.98%

*PRE-EXISTING, NON-CONFORMING



EXISTING CONDITIONS



PROPOSED CONDITIONS

LEGEND

- EOP EDGE OF PAVEMENT
- IP(IND) IRON PIPE (found)
- IR(SET) IRON ROD (set)

PROPOSED DRIVE & STAIRS PLAN
60 HARVARD STREET
MARLBOROUGH, MA

PREPARED FOR:
GABRIELE LUZZI & LESLEY XU
60 HARVARD STREET
MARLBOROUGH, MA 01752

PREPARED BY:
BRUCE SALUK & ASSOC., INC.
CIVIL ENGINEERING & LAND SURVEYING
576 BOSTON POST ROAD EAST
MARLBOROUGH, MA 01752

DATE: JUNE 25, 2021

NO.	DATE	DESCRIPTION	BY
2	10/11/21	ZBA REQUIRED REVISIONS	AD
1	6/25/21	RECALCULATE LOT COVERAGE	BJS

