



City of Marlborough Zoning Board of Appeals

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768

ZBA Case # 1486-2022
Location: 91 Chandler St.

Date: April 12, 2022

Withdraw Without Prejudice

To: Richard McDevitt
Address: 91 Chandler St.
City: Marlborough, MA 01752

Petition: This is a variance request. To construct a new 24 ft. x 24 ft. detached garage and driveway extension at 91 Chandler St. Map 57 Parcel 285, Zoning District Residence A-3. Does not comply with Chapter 650 Article 41, "Table of Lot Area, Yards and Height of Structures" of the City Code of Marlborough. Relief requested: A deviation of 2.67% from the required maximum Lot Coverage of 30%. The existing Lot Coverage is 19.54% vs. the proposed 32.67%.

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision and of all plans referred to in the decision, have been filed with the City Clerk.

DECISION

The applicant requested to "Withdraw Without Prejudice". A motion was made by Paul Giunta, seconded by Thomas Golden to accept the applicant's request to "Withdraw Without Prejudice". By a vote of 5 – 0 the applicant's request to "Withdraw Without Prejudice" was accepted.


Ralph Loftin – Chairman
Zoning Board of Appeals


Susan Brown - secretary

Submitted to the City Clerks' office on April 12, 2022.



City of Marlborough
Zoning Board of Appeals

140 Main Street
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Record and Decision
Variance Request

Zoning Board of Appeals Case # 1486-2022

Applicant: Richard McDevitt

Date of Appeal: February 8, 2022

Location of Subject Property: 91 Chandler St.

Petition: This is a variance request. To construct a new 24 ft. x 24 ft. detached garage and driveway extension at 91 Chandler St. Map 57 Parcel 285, Zoning District Residence A-3. Does not comply with Chapter 650 Article 41, "Table of Lot Area, Yards and Height of Structures" of the City Code of Marlborough. Relief requested: A deviation of 2.67% from the required maximum Lot Coverage of 30%. The existing Lot Coverage is 19.54% vs. the proposed 32.67%.

Meeting date: April 5, 2022

Roll call of members present: Ralph Loftin-Chairman, Robert Levine, Thomas Pope, Thomas Golden and Paul Giunta. Also present were:

- Susan Brown- Secretary
- Tin Htway – Building Commissioner
- William Paynton – Building Inspector
- Applicant: Richard McDevitt

Documents in Board's file:

- ZBA applicant form with filing fee of \$130.00
- Denial letter from building department dated February 2, 2022
- Drawings entitled: Plan showing proposed garage, prepared for Richard McDevitt, 91 Chandler St., dated Nov. 16, 2021, Prepared by Jarvis Land Survey, Inc. Signed by Kevin Jarvis.

It was noted to the audience that the Board is hearing a variance request. The audience was made aware that the public meeting was being recorded.

Public Hearing:

1. Mr. McDevitt, the applicant, made his presentation.
2. According to plans this is a narrow-shaped lot with frontage of 60.01 ft. and area of 9,306 sq. ft.
3. The applicant bought this property in 2020.
4. According to the city's GIS map, there are other lots in the area that are similar to the lot in question regarding frontage, area, shape, topography, and soil conditions. Thus, not unique to the neighborhood. The applicant agreed.
5. The applicant stated **hardships** were:
 - This minor deviation of 2.67% in lot coverage would not be a detriment to the neighborhood.
 - The house in question and most of the existing homes in the area were built in the 50's with lot size and shape are similar to his lot.
 - His proposal will improve his lot and will be an asset to the neighborhood.
6. Ralph Loftin, Chairman, explained to the applicant that there are 3 factors the Board must consider before a variance can be granted. First, the property should be unique from others in the area in terms of shape, topography, or soil conditions; second, the hardship experienced by the applicant must arise from these unique features of the property; third, whether the variance can be granted without detriment to the public good. The Board must view the hardship as interfering with or preventing the use of the property as zoned if not relieved by the requested variance.
7. There was some discussion about the easement which runs almost in the middle of the lot as shown on the city's GIS map. The plot plan submitted by the applicant shows the easement close to the left side lot line. Tin, Building Commissioner, stated that he would rely on the applicant's plot plan vs. the city's GIS maps. The Building Commissioner will investigate this easement issue with the city's engineer before any permits are issued.
8. Tin Htway, Building Commissioner, stated the proposed detached garage could be pulled forward, closer to the house which may eliminate some pavement, thus a variance will not be needed.
9. There were no questions from the audience.

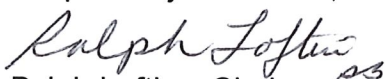
10. Speaking in favor of the petition: None
11. Speaking in opposition – None
12. A motion was made by Paul Giunta, seconded by Thomas Golden to close the public portion of the hearing. By a vote of 5-0 the public portion of the hearing was closed.
13. The Board felt that the applicant's stated hardship was not sufficient to grant a variance. The applicant does have options in where to place the detached garage.
14. The Board asked the applicant if he desired to "Withdraw Without Prejudice", otherwise the Board would continue with a vote.
15. The applicant requested to "Withdraw Without Prejudice."
16. A motion was made by Paul Giunta, seconded by Thomas Golden to accept the applicant's request to "Withdraw Without Prejudice". By a vote of 5 – 0 the applicant's request to "Withdraw Without Prejudice" was accepted.
17. There being no other business before the Board, a motion to adjourn was made by Thomas Pope and seconded by Robert Levine. By a vote of 5-0 the meeting was adjourned.

DECISION

The applicant requested to "Withdraw Without Prejudice". A motion was made by Paul Giunta, seconded by Thomas Golden to accept the applicant's request to "Withdraw Without Prejudice". By a vote of 5 – 0 the applicant's request to "Withdraw Without Prejudice" was accepted.

*The Building Commissioner will investigate the location of the easement on this property.

Respectfully submitted,


Ralph Loftin – Chairman
Zoning Board of Appeals

Submitted to City Clerk's office on April 12, 2022.



**City of Marlborough
Zoning Board of Appeals**

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768

Request to Withdraw Without Prejudice

Name of Applicant: Richard McDevitt

Address & Telephone Number: 91 Chandler St. Marlborough, MA

Type of Zoning Board Application: Variance Request

Describe said application: To construct a new 24 ft. x 24 ft. detached garage and driveway extension. Map 57 Parcel 285, Zoning District Residence A-3. Does not comply with Chapter 650 Article 41, "Table of Lot Area, Yards and Height of Structures" of the City Code of Marlborough. Required maximum Lot Coverage is 30%. The existing Lot Coverage is 19.154% vs. the proposed 32.67%.

Petitioner/Representative of said application: Richard McDevitt

I hereby request to Withdraw the above-referenced petition Without Prejudice

Signature: Richard A. McDevitt

Date: 4-5-22

Do not write below this line

Certificate to Vote

This is to certify that at the Zoning Board meeting of April 5, 2022 a majority vote passed **GRANTING** the request to Withdraw Without Prejudice.

This is to certify that at the Zoning Board meeting of _____ a majority vote passed **DENYING** the request to Withdraw Without Prejudice.

Paul Giunta

Paul Giunta

Ralph Loftin

Ralph Loftin

Robert Levine

Robert Levine

Thomas Pope

Thomas Pope

Thomas Golden

Thomas Golden