



14-06-3

MR 37861-334

COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
ZONING BOARD OF APPEALS
DECISION

RECEIVED
2014 JUL 23 PM 2 49
CITY CLERK'S OFFICE
GARDNER MA

NAME: Andrea H. Cormier, Trustee
St. Paul's Trust
ADDRESS: 60 Cove Wood Court
Marco Island, FL

DECISION OF THE BOARD OF APPEALS REGARDING THE USE OF THE PREMISES LOCATED ON:
Lot L Leo Drive
Parcel ID #H37-4-17

IN THE CITY OF GARDNER, THE PREMISES BEING MORE PARTICULARLY DESCRIBED IN A DEED DULY RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS Book 37861, Page 334.

ON APPLICATION DATED May 20, 2014 FOR A Variance TO:
Construct a single family dwelling at Lot L, Leo Drive, Gardner, MA. Parcel ID H37-4-17. Denied a building permit by the Building Commissioner because it does not comply with Chapter 675, Attachment 2 - Table of Lot, Area, Frontage, Yard, and Height Requirements in Rural Residential 2 zoning district of the Gardner City Code.

The Gardner Zoning Board of Appeals at its July 15, 2014 meeting voted unanimously to grant a Variance to Andrea H. Cormier, Trustee to construct a single family dwelling at Lot L, Leo Drive, Gardner, MA.

The Public Hearing was held on June 17, 2014. A site visit was held on June 21, 2104.

The Applicant proposes to construct a single family dwelling on a lot with 93 feet of frontage (100 feet required) and an area of 9,544 square feet. The lot is part of a cluster subdivision that was approved in 1988. The dwelling would comply with all setback requirements of the Code. The applicant indicated that there is no adjacent land available to purchase.

The granting of this Variance does not create or aggravate a safety hazard.

The granting of this Variance does derogate from the intent of the Code, but the lot as it currently stands is partially barren and is an eyesore to the abutting properties. Improvement to this lot would improve the general appearance of the area. The developed lot will also have to be stabilized which will also improve erosion and siltation issues that presently exist on that property. Additionally, where the house is to be located is of sufficient distance to the abutting houses and should impact the abutting properties.

A hardship related to shape, topography or soil conditions does exist in that the owner stated that attempts were made to purchase additional property without success.


The Variance to construct a single family dwelling is granted as proposed.

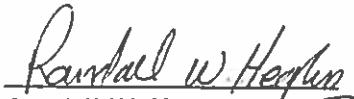
ANY PERSON AGGRIEVED BY A DECISION OF THE BOARD OF APPEALS OR ANY SPECIAL PERMIT/VARIANCE GRANTING AUTHORITY, WHETHER OR NOT PREVIOUSLY A PARTY TO THE PROCEEDING, OR ANY MUNICIPAL OFFICER OR BOARD MAY APPEAL EITHER TO THE SUPERIOR COURT, DISTRICT COURT, OR LAND COURT DEPARTMENT OF THE TRIAL COURT FOR THE COUNTY IN WHICH THE LAND CONCERNED IS SITUATED BY BRINGING AN ACTION WITHIN

TWENTY (20) DAYS AFTER THE DECISION HAS BEEN FILED IN THE OFFICE OF THE CITY OR TOWN CLERK. (M.G.L. SECTION 17, CHAPTER 40A)

A COPY OF THIS DECISION HAS THIS DAY BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK, CITY OF GARDNER:

CERTIFIED THIS _____ DAY OF _____


Raymond F. LaFond, Chairman


Randall W. Heglin, Clerk


Michael D. Gerry, Third Member

I, Alan L. Agnelli, City Clerk, City of Gardner, hereby certify the attached decision by the Zoning Board of Appeals was filed with my office on July 23, 2014 and that twenty days have elapsed since the filing of said decision with my office and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

15-August-2014
Dated


Alan L. Agnelli, City Clerk