

15-07-01

COMMONWEALTH OF MASSACHUSETTS  
CITY OF GARDNER  
ZONING BOARD OF APPEALS  
DECISION

NAME: Daniel King  
ADDRESS: 208 Clark Street, Gardner MA 01440

RECEIVED  
2014 AUG 26 PM 2 39  
CITY CLERK'S OFFICE  
GARDNER MA

DECISION OF THE BOARD OF APPEALS REGARDING THE USE OF THE PREMISES LOCATED ON  
208 Clark Street  
Parcel ID #M32-16-26

IN THE CITY OF GARDNER, THE PREMISES BEING MORE PARTICULARLY DESCRIBED IN A DEED DULY RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS: **Book 46527, Page 22.**

ON APPLICATION DATED July 7, 2014 FOR A SPECIAL PERMIT TO: Construct a 23 foot by 7.5 foot deck on the front of house located at 208 Clark Street, Gardner, MA, Parcel ID M23-16-26, denied a building permit as it does not comply with Article 6, Density and Dimensional Regulations, 675-620 Attachment 2 Table of Lot, Area, Frontage, Yard and Height Requirements in the Single Family I Residential Zoning District of the Gardner Code.

The Gardner Zoning Board of Appeals at its August 19, 2014 meeting voted unanimously to grant a Special Permit under Section 675-420 to Daniel King to construct a 23 foot by 7.5 foot deck on the front of house located at 208 Clark Street, Gardner, MA.

The Public Hearing was held on August 19, 2014. The Applicant presented numerous photographs and plans of the deck which provided the Board adequate information upon which to base its decision therefore, the Board did not see the need for a site visit.

The Applicant owns a single family trailer located at 208 Clark Street which is located 26 feet from the front setback line. In the Single Family I District, the setback requirement is 30 feet. In the Fall of 2013, the Applicant began the construction of a front porch/deck on the front of the home when the Building Commissioner and the Owner determined that adequate setback did not exist and a stop work order was issued and the Owner was advised to seek relief from the Board to finish the deck. The footings of the deck exist. The Owner/Applicant provided to the Board a Building Permit Plan prepared by Szoc Surveyors dated October 28, 2013 which indicate that the finished deck will be approximately 19 feet from street line.

The Applicant does not intend to enclose or put a roof over the deck.

At the Public Hearing, the applicant addressed the specific criteria for a Special Permit as delineated in section 675-1170 of the City Code and are as summarized below:

1. The proposed use is compatible with the Single Family I use of the neighborhood. It is a private deck for use with the home.
2. The design of the deck provides safe movement for users of the deck.
3. The deck is for the exclusive use of the residents and guests of the property. Additional Parking for loading etc. is not applicable.
4. Adequate facilities for sewerage, refuse, etc. is not applicable.
5. The deck is for the private use of the residents and guests of the property and should not create a nuisance related to air, water pollution, erosion, flood, noise, odor, etc.

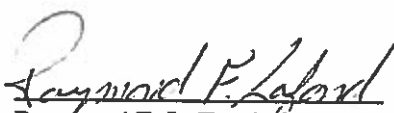
6. The proposal will not be an inconvenience or hazard to abutters, vehicles or pedestrians.
7. The construction of a private deck is in harmony with the general purpose of the intent Single Family Residential I district zoning
8. The construction of a deck will not have a significant detrimental effect on City Services.
9. The improvement and upgrade of one property in a Single Family I district should be consistent with the City's Master Plan.

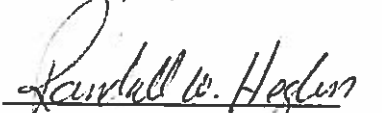
The Special Permit is granted without conditions.


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 26 DAY OF AUGUST, 2014


  
 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 AUGUST 26, 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.

SEPTEMBER 19 2014  
 Dated

  
 Alan L. Agnelli, City Clerk  
 TITI SIRIPHAN, ASSISTANT

