

Town of Scituate

ZONING BOARD OF APPEALS

600 CHIEF JUSTICE CUSHING WAY
SCITUATE, MASSACHUSETTS 02066
(781) 545-8716



Decision of the Scituate Zoning Board of Appeals on the application of Douglas M. Karo of 209 Rockland St., Hingham, MA 02403 (hereinafter, the "Applicant") for a Special Permit/Finding under M.G.L. Chapter 40A Section 6 and Section 810 of the Scituate Zoning Bylaws that would allow the pre-existing nonconforming dwelling at 25 Collier Avenue, Scituate, MA 02066 to be razed and replaced with an entirely new dwelling that will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The application was received, advertised and a public hearing duly held on April 16, 2009, with the following members of the Zoning Board of Appeals hearing the application:

Peter Morin, Chairman
Brian Sullivan
Sara Tresize

The subject property at 25 Collier Avenue, Scituate, MA (hereinafter, the "Subject Property") is located in the A-3 residential district. The Subject Property is under agreement between the Applicant (see Purchase and Sale Agreement, dated March 10, 2009) and the current owners Charles W. and Deborah H. Stockbridge (see Quitclaim Deed filed with the Plymouth County Registry of Deeds at Book 15980, Page 303), and consists of a single-family dwelling that was constructed prior to the adoption of the applicable dimensional zoning bylaws in 1953. The house, therefore, enjoys grandfathered status.

The Dimensional Regulations for residential dwellings in an A-3 district are as follows:

- a. The required lot area is 10,000 square feet;
- b. The required lot frontage is 100 feet;
- c. The required side yard setback is 8 feet;
- d. The required rear yard depth is 20 feet for residential buildings and 8 feet for one-story detached accessory buildings;
- e. The required front yard setback is 30 feet; and
- f. The required lot width is 100 feet.
- g. The maximum height is 35 feet as measured under Section 620 of the SZB

The existing dwelling is dimensionally nonconforming as to lot area, which is 8,705 square feet, rear yard setback, which is 2 feet and street setback, which is 29 feet. The Applicant proposes to raze the existing dwelling and reconstruct a new dwelling that will be 13.2 feet from the rear lot line and dimensionally conforming as to height, street and sideline setbacks in accordance with a plot plan by Ross Engineering Co., dated March 26, 2009.

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Under the second except (except) clause of the first paragraph of Section 6 of M.G.L. ch. 40A, reconstruction of a pre-existing nonconforming single or two-family residential structure is permitted as a matter of right if the reconstruction does not increase the nonconforming nature of said structure. The Board determined that, based on the Applicants' representations, the new dwelling to be constructed on the property will not intensify any existing nonconformities or increase the nonconforming nature of the structure. Accordingly, the Applicants may construct a new dwelling, provided that, in accordance with Section 810 of the Zoning Bylaw reconstruction of the dwelling is complete within two (2) years following the razing of the existing dwelling.

In view of the foregoing, the Board voted unanimously to grant the requested Special Permit/Finding to the Applicant.

ZONING BOARD OF APPEALS


Peter Moran, Chairman


Brian Sullivan


Sara Tresize

Filed with Town Clerk on 7/2/09

The Decision will not become effective until such time as an attested copy has been filed with the Plymouth County Registry of Deeds after the period of twenty (20) days.

Any appeal of any decision of the Zoning Board of Appeals may be pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed within twenty (20) days of the date of the filing of the decision with the Town Clerk.