

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 Carl D. Catani of 49 Cross Street, Pembroke, MA 02359 for a Special Permit/Finding under M.G.L., Chapter 40A, Section 6 to extend a pre-existing non-conforming single-family dwelling into the side yard setback at 332 Central Avenue, Scituate, MA 02066.

The application was received, advertised, and a public hearing was duly held on May 28, 2009 with the following members of the Zoning Board of Appeals hearing the application:

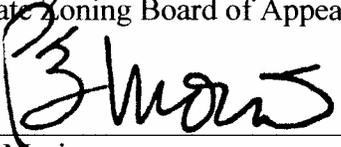
Peter Morin, Chairman
Brian B. Sullivan
John Hallin

The property located at 332 Central Avenue is in the A-3 residential district and is owned by Carl D. Catani, pursuant to a quitclaim covenant filed with Plymouth Country Registry of Deeds on January 26, 2007, Book 550 Page 116. The main house on the property was constructed in 1940. The subject dwelling was constructed prior to the adoption of the applicable zoning bylaw in 1953, and therefore enjoys grandfathered status. The dwelling does not comply with the current zoning bylaw requirement as to lot frontage, lot width, lot dimension and side yard set back.

The applicant proposed to square off the corner of the front porch, which will result in a three foot set back from the sideline, thereby intensifying the pre-existing non-conforming five foot sideline set back. The applicant presented photos of the existing home, as well as photocopies of the plot plan showing existing conditions and the proposed porch extension. While the Board is reticent to allow further encroachments, the proposed addition would not be out of character with the neighborhood.

In view of the foregoing, the Board FINDS that based on the applicant's representations, the intensification will not be substantially more detrimental to the neighborhood than the pre-existing non-conformity and grants the requested Finding/Special Permit, provided that the porch extension is completed within two years following the date of the decision.

Scituate Zoning Board of Appeals


Peter Morin

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SCITUATE, MASS.



Brian Sullivan



John Haffin

Filed with the Town Clerk on July 23, 2009.

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County of Deeds after the appeal period of twenty (20) days.

Appeal of any decision of the Zoning Board of Appeals may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.