

Town of Scituate

ZONING BOARD OF APPEALS

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Decision of the Scituate Zoning Board of Appeals on the application of Janey E. Davidson of P.O. Box 372, Scituate Massachusetts, to request a Special Permit/finding under M.G.L Ch. 40A Sec. 6 and Scituate Zoning Bylaw Section 810.2 to allow the razing and reconstruction of a pre-existing non-conforming single-family dwelling located at 34 Bailey's Causeway, Scituate MA, Assessor's Parcel 8-7-17-0.

The application was received, advertised, and a public hearing was duly held on April 21, 2016 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Chairman
John Hallin
Francis Lynch
Anthony J. Bucchere, Alternate

The property is located at 34 Bailey's Causeway, Scituate MA and is owned by Janey E. Davidson who acquired the property from the Sullivan Family Trust by deed dated August 22, 2000 and recorded with the Plymouth County Registry of Deeds at Book 9691, Page 208.

The building on the property is a single family dwelling which according to Town Assessors records was constructed in 1895.

The application seeks approval to allow the razing and re construction of the single-family dwelling as per plans submitted by the applicant, drawn by Cavanaro Consulting and entitled "Site Plan to Accompany NOI 34 Bailey's Causeway Scituate MA" (the "Plan").

The property is located in the R-3 residential zoning district. The existing lot frontage and side yard setback are non-conforming but pre-existed current zoning requirements. The applicant seeks to raze and reconstruct the proposed single family home per the Plan. The existing square footage of the home is 768 square feet and the proposed dwelling will contain 1,906 square feet per the Plan representing an increase of 148%. The proposed dwelling will not create any new non-conformities and will eliminate the existing side yard non-conformity by bringing it into compliance with the Bylaw. The existing frontage non-conformity will remain unchanged.

The Board voted to approve the application allowing the construction of the proposed dwelling per the Plan.

In approving this application, the Board found the criteria required under Section 810.2 will be satisfied by the present plans as follows:

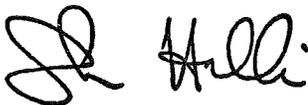
- A. The existing lot is non-conforming as to frontage and the existing structure is non-conforming where one side setback is 7.8 feet and 8 feet is required by the current Zoning Bylaw.
- B. The proposed dwelling, if constructed per the Plan will not create any new non-conformities and will eliminate the existing side setback non-conformity.
- C. The proposed addition, if constructed per the Plan, will not increase or intensify any existing non-conformities nor will it be substantially more detrimental to the surrounding neighborhood than the existing home.
- D. The criteria set forth in Zoning Bylaw Section 950.3 are satisfied.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the construction of the proposed home per the Plan, FINDING that no new non-conformities will be created and that no existing non-conformities will be increased or intensified, subject to the Applicant filing an amended Plan setting forth the percentage increase in gross floor area.

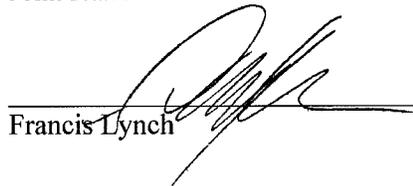
SCITUATE ZONING BOARD OF APPEALS



Sara Trezise



John Hallin



Francis Lynch

Filed with the Town Clerk and Planning Board on: MAY 24, 2016

/ajb

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.