

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 Jeffrey and Christina Mosholder of 237 South Main Street, Hingham, MA 02043 for Special Permit/Finding under M.G.L., Chapter 40A, Section 6 of the Scituate Zoning Bylaw to extend pre-existing non-conforming single family dwelling into side yard setback. At 36A Grasshopper Lane 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 36A Grasshopper Lane is in the A-3 residential district and is owned by Jeffery and Christina Mosholder, pursuant to a quitclaim covenant. Unit 36A of the 36 Grasshopper Lane Condominium was created by master deed Dated July 21, 2008 and recorded with Plymouth Country Registry of Deeds on July 28, 2008, Book 36214 Page 67. The main house on the property was constructed in 1920. The subject dwelling was constructed prior to the adoption of the zoning bylaw in 1953, and therefore enjoys grandfathered status. The dwelling does not comply with the current zoning bylaw requirement as to the side yard setback of 15-feet or rear setback of 30-feet. The current side setback is 2.4 feet and rear setback of 9.9 feet.

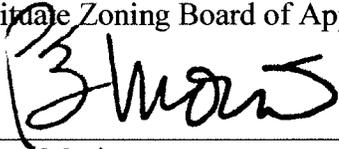
In order to construct an addition (one story 12' x 26" porch), the applicant proposed to extend the current pre-existing non-conforming side yard set back. The applicant presented photos of the existing home, as well as photocopies on the plot plan showing existing conditions and the proposed one story addition foot print. 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 addition to be constructed on the property will not be substantially more detrimental to the neighborhood than the existing dwelling. Accordingly, the Board determines that the applicant may construct said addition, provided that the addition is completed within two years following the date of the decision.

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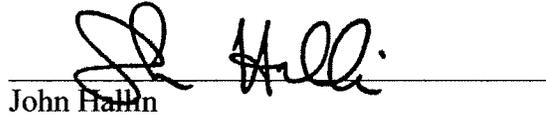
Scituate Zoning Board of Appeals



Peter Morin



Brian Sullivan



John Hallin

Filed with the Town Clerk on June 18, 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.