

# Town of Scituate

ZONING BOARD OF APPEALS

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



2008 APR -1 A 11:47

SCITUATE, MASS.

Decision of the Scituate Zoning Board of Appeals on the application of Peter L. Hanlon and Shirley A. Hanlon of 5 Parker Avenue, Scituate, Massachusetts 02066 for a finding under MGL 40A § 6 and a special permit to allow an addition to the rear of their dwelling, which addition will connect to their existing garage located at 5 Parker Avenue, Scituate, Massachusetts.

The application was received, advertised and a public hearing was duly held on March 20, 2008 with the following members of the Zoning Board of Appeals hearing the application:

Albert Bangert, Chairman  
Peter Morin  
Sara J. Trezise

The property that is the subject matter of this application is located in the A-3 Residential District. The property does not lie in the Town of Scituate Flood Plain and Watershed Protection District, nor does the property lie in the Town of Scituate Water Resource Protection Zoning District. The property does not lie within a Flood Hazard Zone.

At the time of the application, title to the premises was in the name of the Applicants by way of a deed recorded with the Plymouth County Registry of Deeds in Book 4272 Page 231.

The premises contain 7,750 square feet of land and contain 78.00 feet of frontage along Parker Avenue, a public way. The A-3 Residential District requires 10,000 square feet lot area and 100 feet of frontage and 100 feet of lot width. In addition, the A-3 Residential District requires a 30 feet front setback, 8 feet side yard setbacks, 8 feet rear yard set back for detached accessory structures and 20 feet rear yard set back for all other buildings. The single-family dwelling and detached garage located upon the lot were built in 1930. The Applicants have resided in the premises since 1977 and have raised their family there. The dwelling was recently connected to the town's public sewer system. The dwelling is set back from Parker Avenue 21.6 feet; it is also currently located 13.4 feet from the Westerly sideline and 26.0 feet from the Easterly sideline, and 40.9 feet from the rear lot line. The garage is set back approximately 63.0 feet from Parker Avenue; it is, however, nonconforming due to the fact that it is located .9 feet from the Westerly sideline and 7.6 feet from the rear lot line. The current single-family dwelling is therefore nonconforming as to its front setback from Parker Avenue. The existing garage is therefore nonconforming as to its Westerly side yard and rear lot line setbacks. The lot, dwelling and garage are therefore pre-existing and nonconforming.

At the March 20, 2008 public hearing, the Board reviewed with Mr. and Mrs. Hanlon and their attorney the plans submitted drawn by Aaberg Associates, Inc., 80 Washington St., Unit C-17, Norwell, Massachusetts dated March 22, 2007. In addition, the applicant reviewed with the Board a rendering of the addition to the dwelling the Applicants propose to construct. The Applicants intend to retire and continue to reside in their home of thirty years. The plans call for a bump out addition to the rear of the existing dwelling which by itself meets the rear and side yard requirements of the Bylaw. In addition, the Applicants propose to connect the addition to the existing garage, which is located .9 feet from the Westerly side yard. The proposed work will not enlarge the garage.

No one in attendance at the Public Hearing spoke in opposition to the proposal.

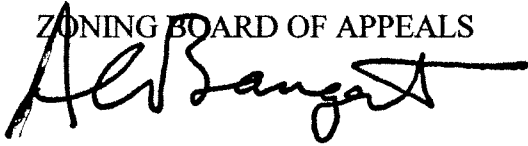
Based upon the evidence presented, the Board finds that the lot, the existing single-family dwelling and garage located at 5 Parker Avenue pre-exist the adoption of subdivision control in Scituate and are nonconforming to the bylaw. The Applicants' proposed additions to their single-family dwelling are entitled to be reviewed by the Board pursuant to the terms of MGL c. 40A § 6, paragraph one.

The Board finds that the proposed addition to the rear of the dwelling which connects to the existing garage located .9 feet from the Easterly sideline increases the nonconforming nature of the existing single-family dwelling. The Board finds, however, that the increase to the nonconforming nature of the dwelling is not substantially more detrimental to the neighborhood than the existing nonconformity.

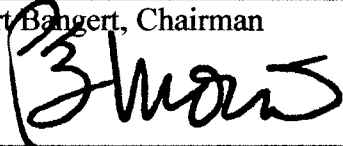
Pursuant to Section 1030.2 of the Bylaw, the lot is appropriate for a single-family dwelling. The use of the dwelling should not adversely affect the neighborhood, nor create any undue nuisance or hazard to vehicles or pedestrians. The town's Board of Health and the Building Commissioner will ensure that appropriate facilities are provided to assure the proper operation of the single-family dwelling. The proposed use of dwelling will not have a significant impact on any public or private water supply, and the lot is not located within the Water Resource Protection District. In addition, the Board finds that the use reflects the nature and purpose of the use prevailing when the bylaw took effect, that there is no difference in the quality or character, as well as the degree of use, and the proposed use is not different in kind in its effect on the neighborhood.

For the foregoing reasons, the Board unanimously voted to GRANT the Applicants' request for a finding under MGL Chapter 40A § 6 and for a Special Permit to allow the addition to the single family dwelling as shown on the Application Plan.

ZONING BOARD OF APPEALS



Albert Bangert, Chairman



Peter Morin



Sara J. Trezise

Filed with the Town Clerk on: April 1, 2008

This Special Permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry 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.