

# 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 Ralph C. Radzevich of 18 Sturdevant Road, Quincy, Massachusetts for a finding under MGL 40A § 6 and a special permit to allow razing and reconstruction of an existing attached garage to the structure located at 68 Glades Road, Scituate, Massachusetts.

The application was received, advertised and a public hearing was duly held on December 15, 2011 with the following members of the Zoning Board of Appeals hearing the application:

Peter B. Morin  
Brian B. Sullivan  
Sara J. Trezise  
John Hailin  
Edward C. Tibbetts

The property that is the subject matter of this application is located in the R-3 Residential District. The property lies in the Town of Scituate Flood Plain District.

At the time of the application, title to the premises was in the name of the Applicant and Annette Radzevich and Jason M. Radzevich, as Joint Tenants, by way of a deed recorded with the Plymouth County Registry of Deeds in Book 37905 Page 206.

The premises contain 9,300 square feet of land and contain 60.48 feet of frontage Glades Road, a public way. The R-3 Residential District requires 10,000 square feet lot area and 100 feet of frontage and 100 feet of lot width. In addition, the R-3 Residential District requires a 30 feet front yard setback, 8 feet side yard setbacks, 8 feet rear yard setback for one story detached accessory structures and 20 feet rear yard set back for all other buildings. Based upon representations made in the Application but not shown on the plan, the current single-family dwelling and attached garage has a front yard setback of 18.0' and a side yard setback (as to the garage) of 3.0' to 3.3'. The structure is therefore nonconforming as to lot area, lot frontage, front yard setback and side yard setbacks. The Applicant produced evidence at the hearing showing the lot and single-family dwelling located upon thereon have been in existence since at least 1850. The single-family dwelling is therefore pre-existing and nonconforming.

At the December 15, 2011 hearing, the Board reviewed with the Applicant's agent, Paul J. Mirabito, CE, PLS the submitted plan drawn by Ross Engineering Co., Inc. Norwell, Massachusetts dated December 1, 2011. In addition, the applicant reviewed with the Board a rendering of the alteration, reconstruction and addition to the dwelling the

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Applicant proposes to construct. The plans call for razing and reconstructing the existing garage, which will increase the pre-existing non-conforming side yard setback from 3.0' to 3.1', and increase the pre-existing non-conforming front yard along Glades Road from 18.0' feet to 23.0' feet. All other setbacks will remain.

Based upon the evidence presented, the Board finds that the lot and single family dwelling located at 68 Glades Road pre-exist the adoption of subdivision control in Scituate and the dwelling is nonconforming to the bylaw. The Applicant's proposed reconstruction of the garage portion of his single family dwelling is entitled to be reviewed by the Board pursuant to the terms of MGL c. 40A § 6 and is required under Scituate Zoning Bylaw 810.2.

The Board finds that the proposed reconstruction decreases the nonconforming nature of the existing single-family dwelling. The Board finds that the continued nonconforming nature of the dwelling is not substantially more detrimental to the neighborhood than the existing nonconformity.

Pursuant to Section 950.3 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 reconstruction of the garage portion of the single family dwelling as shown on the Application Plan.

Prior to the issuance of a building permit, the Applicant shall provide the Building Inspector with a certified plan of existing conditions showing that the existing setbacks are as represented in the application.

ZONING BOARD OF APPEALS

A handwritten signature in black ink, appearing to read "B. Morin", is written over the printed name of the Zoning Board of Appeals.

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Peter B. Morin, Chairman

  
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Brian B. Sullivan

  
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Sara J. Trezise

Filed with the Town Clerk on: March 13, 2012.

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.