



Decision of the Scituate Zoning Board of Appeals on the application of FPR Realty Trust, 4 Otis Ave, Cohasset, MA, by permission of the property owner, Christopher J. McKenna, under Scituate Zoning By-laws 810.2 to allow the razing and reconstruction of a pre-existing non-conforming single family dwelling and detached garage on the property located at 92 Marion Road.

The application was received, advertised, and a public hearing was duly held on November 15, 2012 and continued to December 20, 2012 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Acting Chairman
John Hallin
Ed Tibbetts

The property is located at 92 Marion Road and is owned by Christopher J. McKenna who acquired the property from Elizabeth O'Hara Parker, John J. O'Hara, Jr. and Kathleen O'Hara Ferrari by deed dated November 30, 2012. (See Certificate of Title #118294, recorded on December 3, 2012 in Book 591 at page 94 in the Plymouth County Registry of Deeds.)

The building on the property is a single family dwelling which according to Town Assessors records was constructed in 1935. In addition to the home, there is a detached garage on the lot which sits nearly on the northeast lot line and which encroaches on the neighboring property to the rear of the subject lot.

The application seeks approval to raze the existing residential structure and detached garage and to rebuild the house and attach the garage to the house as per plans submitted by the applicant and drawn by Morse Engineering Co., Inc., 10/25/12 and revised 12/18/12.

The property is located in the A-3 residential zoning district. The existing lot size, lot frontage, lot width and front setback are non-conforming and pre-exist current zoning requirements, the structure having been built in 1935. The garage side yard and rear yard set backs are also non-conforming and pre-existing.

The applicant seeks to rebuild the house and attach the garage, which will comply with side yard setback on the northeast and the rear yard setback requirements. The

northwest side yard non-conformity will be reduced from approximately 0 to 5 feet and the front yard setback will be reduced from 28.2 ft. to 29.00 ft.

The Board voted to approve the application allowing the razing and reconstruction of the home and the garage per the plans submitted with the application and described above.

In approving this application, the Board found the criteria required under Section 950.3 will be satisfied by the present plans as follows:

- A. The locus is in a residentially zoned district. As such the specific site is an appropriate location for both the use and structure which are proposed.
- B. The proposed structure and use will not adversely affect the neighborhood as the new structure will conform in all respects to the building code in effect at the time of construction and there will be no change in the present residential use of the property.
- C. There will be no undue nuisance or serious hazard to vehicles or pedestrians as a result of the proposed use or structure. The use will remain the same.
- D. Adequate and appropriate facilities will be provided to assure the proper operation of the proposed use and structure. Current environmental, health and building codes require that the Building Commissioner issue a building permit only upon his satisfaction as to complete and total compliance with the aforesaid codes.
- E. Whereas the structure will be serviced by the existing town sewer hook-up and whereas there are no known potable wells within 100' of the locus, there will be no impact on any public or private water supply.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the construction of an addition as proposed on the plans as described above, FINDING that the same will not be substantially more detrimental to the neighborhood than the current pre-existing nonconforming dwelling and garage.

SCITUATE ZONING BOARD OF APPEALS



Sara Trezise



John Hallin



Ed Tibbetts

Filed with the Town Clerk on: December 26, 2012.

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.