

# Town of Scituate

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



## ZONING BOARD OF APPEALS

Decision of the Scituate Zoning Board of Appeals on the application of William O. Luetter & Julie A. Luetter, 16 First Avenue, Scituate, MA ("Applicant") for a Special Permit/Finding under MGL 40A § 6 and the Town of Scituate Zoning Bylaws 810.2, to allow an accessory dwelling addition to a pre-existing non-conforming single family dwelling at 16 First Avenue, Scituate, MA ("Property"), increasing the square footage by 45.4%.

The application was received, advertised and a public hearing was duly held on October 18, 2018 with the following members of the Zoning Board of Appeals hearing the application:

John Hallin, Chairman  
Edward C. Tibbetts  
Thomas J. Cavanagh  
Brian B. Sullivan

The Applicant was represented at the hearing by Gregory Morse, Professional Engineer, of Morse Engineering Co., Inc.

The property is owned by the applicant, as evidenced by Certificate of Title No. 118488 in the Plymouth County Registry of Deeds Land Court Division. The Property consists of Lot 30 and Lot 31, which is identified on sheet 1 of Plan No. 8507B, a copy of which is filed with Certificate of Title No. 1023 in the Plymouth County Registry of Deeds Land Court Division and indicates that the Lot was created by a plan dated September 1921. According to the Town of Scituate Assessors Card, submitted by the applicant, the existing single-family dwelling located upon the lot was constructed in 1928 and contains 1,650 square feet.

The property is located in the R-3 Residential District. The Property is nonconforming as to Front Yard Setback (13.4' where 30' is required) Right Side Yard Setback West (3.9' where 8' is required), however the lot was created prior to the adoption of the current zoning bylaw and is therefore considered pre-existing nonconforming. All other characteristics comply with the current zoning bylaw.

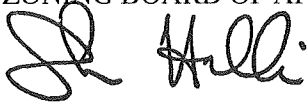
The application seeks approval to add an addition for an accessory dwelling to the dwelling as is shown on a plan submitted by the applicant, drawn by Morse Engineering, entitled "Proposed Accessory Dwelling 16 First Avenue, Scituate, Massachusetts" dated September 18, 2018 (the "Plan"). The proposed accessory dwelling addition to the dwelling per the Plan will increase the square footage of the home to 2,400 square feet, an increase of 45.4%. The proposed accessory dwelling addition is located within the set-backs and will not alter any of the other existing nonconforming characteristics of the site and will not create any new nonconformities.

After reviewing the application and hearing testimony from the applicant, their engineer, building inspector and abutters the Board found the following:

- a. That the proposed addition if constructed per the Plan will not create any new non-conformities;
- b. That to the extent the proposed addition constructed per the plan intensifies any of the existing nonconformities, such intensification will not be substantially more detrimental to the surrounding neighborhood.

Based on the forgoing the Board unanimously voted to GRANT the Applicant's request for a Special Permit/Finding pursuant to M.G.L. c. 40A, §6 and Section 810.2 of the Town of Scituate Zoning Bylaws, to construct an addition to the existing structure as shown on the Plan with the applicant's application, subject to the applicant being granted a Special Permit from the Planning Board for an Accessory Dwelling.

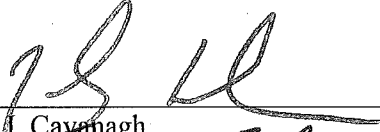
SCITUATE ZONING BOARD OF APPEALS



John Hallin, Chairman



Edward C. Tibbetts



Thomas J. Cavanagh



Brian B. Sullivan

Filed with the Town Clerk and Planning Board on \_\_\_\_\_

This Finding 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. Ch. 40, Section 17, and shall be filed within twenty (20) days of the date of filing the decision with the Town Clerk.