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Zoning Board of Appeals Decision & Finding

Decision of the Scituate Zoning Board of Appeals on the application of Kerry Dowlin of 50 Kenneth Road, Scituate, MA (the "Applicant") for a Special Permit/ Finding under M.G.L 40A, Section 6 and/or Section 810.2 of the Scituate Zoning Bylaw to allow the construction of an addition to the pre-existing, nonconforming single-family dwelling at 50 Kenneth Road increasing the gross floor area by more than 13.5%.

The application was received, advertised, and a public hearing was duly held on September 20, 2018 with the following members of the Zoning Board of Appeals hearing the application:

Ed Tibbetts, Acting Chairman

Anthony J. Bucchere

Thomas Cavanagh

The property is located at 50 Kenneth Road, Scituate MA (the "Property") and is owned by the Applicant who acquired the property via Transfer Certificate of Title 122289 filed with the Plymouth County Registry District of the Land Court.

The building on the Property is a single family home containing 1,203 square feet which according to Town Assessors' records was constructed in 1935. The property is located in the R-3 residential zoning district. The Property is nonconforming as to Lot Area (4,976 SF where 10,000 is required) Lot Frontage (49.9' where 100' is required) Front Yard Setback (23.7' where 30' is required) Side Yard Setback West (5.7' where 8' is required) and Lot Width, 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 to the dwelling as is shown on a plan submitted by the applicant, drawn by Ross Engineering, dated April 10, 2018 and entitled Site Plan for 50 Kenneth Road in Scituate, MA (the "Plan"). The proposed addition to the dwelling per the Plan will increase the square footage of the home to [1,365] an increase of [13.5%]. The proposed addition will extend the home south along the nonconforming 5.7' west side yard setback but 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, building inspector and abutters the Board found the following:

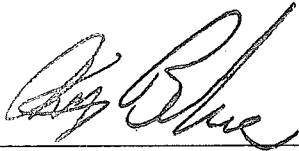
- a. That the proposed addition if constructed per the Plan will not create any new non-conformities;
- b. That to the extent the proposed addition constructed per the plan intensifies any of the existing nonconformities; such intensification will not be substantially more detrimental to the surrounding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

Based on the forgoing the Board unanimously voted to GRANT the application to find that the proposed dwelling complies with the current the Scituate Zoning Bylaw.

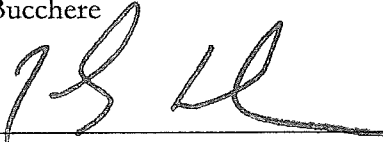
SCITUATE ZONING BOARD OF APPEALS



Ed Tibbetts



Anthony Bucchere



Tom Cavanagh

Filed with the Town Clerk and the Planning Board on:

/ajb

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.