



Decision of the Scituate Zoning Board of Appeals on the application of Ellen Marie Hasenfus, 50 Wampatuck Avenue, Scituate MA, under Scituate Zoning By-laws 810.2.B to issue a special permit to allow the addition of a second floor to a lawfully existing pre-existing non-conforming single family dwelling which increases the gross floor area by more than 20%.

The application was received, advertised, and a public hearing was duly held on October 17, 2013 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Chairman
John Hallin
Ed Tibbetts

The property is located at 50 Wampatuck Avenue and is owned by the Ellen Marie Hasenfus who acquired the property from the 50 Wampatuck Realty Trust u/d/t dated March 27, 2010 and recorded with the Plymouth County Registry of Deeds at Book 38383, Page 308 by deed dated June 14, 2013 and recorded with said Deeds at Book 43204, Page 94.

The building on the property is a single family dwelling which according to Town Assessors records was constructed in 1955.

The application seeks approval to add a second floor to the existing residential structure as per plans submitted by the applicant and drawn by Paul Joseph Morato, dated October 7, 2013 (the "Plan").

The property is located in the R-3 residential zoning district. The existing side yard setbacks are non-conforming but pre-existed current zoning requirements. The applicant seeks to add a second floor per the Plan, which will not increase any nonconformity at the property.

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

In approving this application, the Board found the criteria required under Section 810.2 will be satisfied by the present plans as follows:

- A. The proposed addition, if constructed per the Plan will not increase the nonconforming nature of said Structure.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the addition of a second floor as shown on the Plan, FINDING that the same will not be substantially more detrimental to the neighborhood than the current pre-existing nonconforming dwelling.

SCITUATE ZONING BOARD OF APPEALS



Sara Trezise



John Hallin



Ed Tibbetts

Filed with the Town Clerk and Planning Board on: November 5, 2013.

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.