

# Town of Scituate

ZONING BOARD OF APPEALS

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Scituate, Massachusetts 02066  
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Decision of the Scituate Zoning Board of Appeals on the application of Brian and Nancy Jones, 6 Michael Avenue, Scituate, MA 02066 (“Applicant(s)”) for a Special Permit/Finding under MGL 40A § 6 and the Town of Scituate Zoning Bylaws 810.2, to raze a pre-existing non-conforming garage and shed and reconstruct a two-story attached garage on a pre-existing non-conforming lot located at 6 Michael Avenue, Scituate, MA, Assessor Map Parcel ID 16-5-13 (“Property”), increasing the square footage by 16.6%.

The application was received, advertised and a public hearing was duly held on February 25, 2021, with the following members of the Zoning Board of Appeals hearing the application:

Anthony J. Bucchere, Chairman  
Edward Tibbetts  
Thomas J. Cavanagh  
George Xixis  
Susan Harrison

The Applicants were present at the hearing and made the presentation.

The property is owned by the applicants, as evidenced by a deed dated August 17, 2000, and recorded with the Plymouth Country Registry of Deeds in Book 18799, Page 161. The Property is shown as Lots 76, 77, and a portion of Lot 78, as shown on a Plan dated 1906, recorded with said deeds in Plan Book, Plan 560. Based on the Assessors Card submitted by the applicants, the single-family dwelling was constructed in 1900, and contains 2,618 square feet of gross floor area.

The Property is located in the R-3 Zoning District. The structures are non-conforming as to front set back (29.1' where 30' required) and rear set back (.5 and 14.7' where 20' required). However, structure was constructed, and the lot was created prior to the adoption of the current zoning bylaw and therefore is considered pre-existing nonconforming. All other characteristics of the accessory use structure comply with the current zoning bylaw.

The application seeks approval to raze the existing one story detached garage and one story detached shed and reconstruct a two-story attached garage with proposed living space on the second floor, as is shown on the plans submitted by the applicant, prepared by Brian K. Jones, Professional Land Surveyor & Engineer, Rivermoor Engineering, LLC, 144 Front Street, Suite 211, Scituate, Massachusetts 02066 entitled "Garage Office Addition Jones Residence, 6 Michael Avenue, Scituate, MA", dated December 28, 2020 (the "Plans"). The proposed reconstructed garage, per the Plans will increase the square footage to 2,451.3 square feet. The applicant is proposing to raze the existing one story garage and one story shed and build a new two-story attached garage, improving the existing rear set back from 0.5' to 14.7, which is the current setback for the single family home.

After reviewing the application and hearing testimony from the applicant, and an abutter, the Board found the following:

- a. That the proposed razing of the existing one story detached garage and one story detached shed, and reconstruction of a two-story attached garage, if constructed per the Plan, will not create any new non-conformities;
- b. That to the extent the proposed razing of the existing one story detached garage and one story detached shed, and reconstruction of a two-story attached garage, if 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 raze the existing one story detached garage and one story detached shed, and reconstruct a two-story attached garage.

SCITUATE ZONING BOARD OF APPEALS

  
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Anthony J. Bucchere, Chairman

  
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Edward Tibbetts

  
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Thomas J. Cavanagh

Filed with the Town Clerk and Planning Board on March 9, 2021

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.