



ZONING BOARD OF APPEALS

FRANCIS L. SWIFT, Chairman
 HENRY H. THAYER
 WILLIAM O. HEWETT
 WILLIAM E. POLLETTA
 WILLIAM F. CULLINANE
 FRANKLIN P. PARKER

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Joseph Doherty

The Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:15 p.m. on July 27, 1978, on the petition of Joseph Doherty, requesting a variance from the terms of Section XXIIB, Part D. 1. a. of the Zoning By-law which will allow the construction of a swimming pool at 68 Overbrook Drive, less than the required thirty feet from the boundary line abutting Hillcroft Road and less than the required fifty feet from the center line of Hillcroft Road. Said request was made under the provisions of Section XXIV-D of the Zoning By-law. Due notice of the hearing was given by mailing and publication.

On July 11, 1978, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Joseph T. Fleming, attorney, represented the petitioner at the hearing.

Statement of Facts

The property involved is located within a Single Residence District, requiring a minimum lot area of 10,000 square feet. The lot involved contains 11,050 square feet.

The petitioner seeks permission to construct an inground swimming pool, which, if built, will be located twenty feet from the existing house, ten feet from the lot line on the southerly side, fifty feet from Edgemoor Avenue and twenty feet from Hillcroft Road rather than the required thirty feet, and thirty feet from the center of the street, rather than the required fifty feet.

It was stated at the hearing that the property involved is bounded by three streets, Overbrook Drive, Edgemoor Avenue and Hillcroft Road, a so-called paper street, which makes it impossible for the petitioner to comply with the thirty-foot set back requirement from a public or private street or/less than fifty feet from the center line of the street involved.

not

It was further stated that this Authority granted a variance to the petitioner in 1976 to construct his dwelling closer to Hillcroft Road than the required setback, and it found at that time that conditions existed to grant the request.

A plot plan was submitted, drawn by Edward Stone, Land Surveyor, dated June 23, 1978, which showed the existing house on the lot as well as the proposed inground swimming pool.

Decision

The Authority has made a careful study of the facts in

TOWN CLERK'S OFFICE
RECEIVED

this case and has taken a view of the locus.

In view of the evidence presented, it is the opinion of this Authority, that a swimming pool constructed on the lot involved as shown on the plot plan submitted, will not change the character and appearance of the immediate neighborhood. The proposed swimming pool will not be as close to Hillcroft Road as the existing house, and it is the belief of this Authority that it is unlikely that Hillcroft Road will be developed along the petitioner's property. It is a twenty-foot laid out paper street which runs between Overbrook Drive and Edgemoor Avenue.

Therefore, it is the opinion of this Authority, because of the peculiar shape of the lot involved as well as the fact that it is bounded by three streets, a literal enforcement of the provisions of Section XXIIIB of the Zoning By-law, would involve substantial hardship to the petitioner. It is the further opinion of the Authority that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed swimming pool as shown on the plan submitted and on file with this Authority.

Francis L. Swift
Francis L. Swift

William O. Hewett
William O. Hewett

William F. Cullinane
William F. Cullinane

Filed with Town Clerk _____

RECEIVED
TOWN CLERK'S OFFICE
JAN 12 1953 PM 4.18

Copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.

