



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 John D. and Patricia H. Murphy

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:10 p.m. on June 8, 1978, on the petition of John D. and Patricia H. Murphy, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the side of their dwelling at 26 Cushing Road, with a side yard less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On May 23, 1978, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

John D. Murphy spoke in support of the petition at the hearing.

Statement of Facts

The house involved is located within a Single Residence requiring a minimum lot area of 20,000 square feet. The house was built prior to the enactment of the Zoning By-law requiring a twenty-foot side yard, on a lot containing 15,323 square feet.

The petitioners seek a variance to construct an addition on the westerly side of their dwelling to provide a family room and a porch. It was explained that the petitioners have a great need for the additional space the proposed addition will provide as they have eight children and more living space is needed for them. It was further explained that due to the shape of the lot and the location of the house on the lot, it would not be possible construct an addition elsewhere on the house to provide the space needed. It was also pointed out that due to a drainage problem on the property, the space upon which an addition can be built is limited.

A plot plan was submitted, drawn by Apex Associates, dated March 18, 1978, which showed the location of the house on the lot as well as the proposed addition. Said plan showed the proposed family room addition to be 11.8' x 15.6' and the porch to be 11.8' x 15.6', located 16.55' from the lot line on the northerly side. It also showed the existing house to be located 15.06' from the northerly boundary at the nearest point.

Decision

The Board has made a careful study of the evidence submitted and has taken a view of the locus.

In its opinion, there is a real need for the proposed family

RECEIVED
 TOWN CLERK'S OFFICE
 JUNE 15 1978

Petition of John D. and
Patricia H. Murphy

room and porch for the petitioners' growing family and the proposed plan appears to be the only practical and feasible place for it to be constructed. It will not encroach any closer to the side lot line than the existing house, and in the opinion of this Board, will not prove detrimental to the area.

The grades shown on the plot plan submitted, indicate that there is a gradual drop in the land from the front to the rear of the lot and the petitioners stated that there is a drainage problem on the lot. In the opinion of this Board, therefore, this may result in the petitioners having difficulty in finding another location for the proposed addition where there is solid soil.

Therefore, it is the unanimous opinion of this Board that owing to circumstances relating to the topography of the land, the soil condition as well as the shape of the lot involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioners. It is the further opinion of this Board that the 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 addition of a family room and porch as shown on the plan submitted and on file with this Board.

RECEIVED
TOWN CLERK'S OFFICE
JUN 22 1952

3 48 PM '52


Francis L. Swift


William O. Hewett


Franklin P. Parker

Filed with Town Clerk _____

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

