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WILLIAM F. CULLINANE  
FRANKLIN P. PARKER  
JOHN A. DONOVAN, Jr.

ZONING BOARD OF APPEALS

KATHARINE E. TOY  
Administrative Secretary  
Telephone  
235-1664

Petition of Timothy K. and Nancy H. Saunders

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 8:50 p.m. on September 14, 1978, on the petition of Timothy K. and Nancy H. Saunders, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the rear of the dwelling at 35 Mayo 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 August 25, 1978, the petitioners filed their request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Timothy K. Saunders spoke in support of the request 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 house was built in 1948, on a lot containing 37,287 square feet.

The petitioners seek permission to construct an addition 14.8' x 22.0' on the rear of their dwelling to provide a family room. It was stated at the hearing that the house is a one-story ranch-style house with three bedrooms. The petitioners have three children aged 14, 12 and 10, and need additional living space during the coming years. One child has set up his bedroom in the recreation room in the basement, and therefore, the petitioners feel that there is a real need for a family room on the first floor level to provide space for the children to study, etc.

A plot plan was submitted, drawn by John J. Regan, Land Surveyor, dated April 26, 1978, which showed the existing house on the lot as well as the proposed addition. Said plan showed the existing house to be 14.72' from the lot line on the easterly side and the proposed addition to be 16.54' from the same lot line at the nearest point.

It was pointed out that due to the slope of the land on the westerly side of the house and the existing brook running through the property at the rear, the proposed location appears to be the only feasible place it can be constructed without incurring a great deal of expense.

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

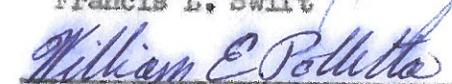
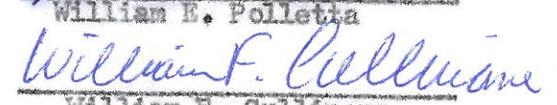
In its opinion, the proposed location of the addition appears to be the only feasible and practical place it can be constructed due to the slope of the property on the westerly side and the existence of the brook at the rear of the property. The addition, if built, will not encroach any closer to the side lot line than the existing dwelling; it will be located out of view at the rear of the house and its exterior walls will be stucco to match the existing house.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the topography of the land, the soil conditions, as well as the location of the house on the lot, 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 Authority that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and 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 as shown on the plan submitted and on file with this Authority.

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Filed with Town Clerk \_\_\_\_\_

  
Francis L. Swift  
  
William E. Polletta  
  
William F. Cullinane

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

