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## ZONING BOARD OF APPEALS

KATHARINE E. TOY  
 Administrative Secretary  
 Telephone  
 235-1664

Petition of Clifford and Jane Bryant

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 May 31, 1979, on the petition of Clifford and Jane Bryant, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an attached garage on the side of their dwelling at 6 Sheridan Circle, 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 15, 1979, the petitioners filed their request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Joseph T. Fleming, Jr., attorney for the petitioners spoke in support of the request.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 15,000 square feet. The house was built in 1959 on a lot containing 15,000 square feet.

The petitioners seek permission to construct an attached garage 22' x 22' on the easterly side of their house. The garage, if built, as shown on the plot plan submitted, will be 33.5' back from the street and 8.5' from the side lot line at the nearest point.

It was explained at the hearing that the house has no garage and the petitioners have two cars which they feel should be kept under cover. They also have need for storage space for lawn equipment, trash and bicycles which the proposed garage could provide if a variance is allowed.

Due to the very steep slope in the rear of the house, the location of the house on the lot and the job in the side line of the lot, it was stated, there appears to be no alternative location for the proposed garage, which would not incur great expense. To build the garage on the west side would block off a large living room window and it would also require a variance. For these reasons, it is the opinion of the petitioners that the proposed location is the only feasible place for the proposed garage.

Decision

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

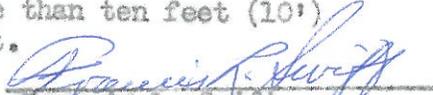
It is the opinion of the Authority that there is a real need for the garage which the proposed addition will provide, however, it does not feel that the garage addition should extend to within 8.5' of the side line. It does feel that a garage can be designed which will provide ample space for two cars and encroach no closer than ten feet from the side lot line.

Due to the topography of the land in the rear and the shape of the lot, it appears to this Authority that there is not adequate space remaining to construct a two-car garage which will comply with the zoning requirements. It is the further opinion of the Authority that the proposed garage, subject to the imposed condition, will not substantially reduce the value of any property within the district or otherwise injure the neighborhood.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the shape and topography of 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 the 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, subject to compliance with the following condition, and the Building Inspector is authorized to issue a permit for the proposed garage as shown on a plan drawn by John J. Regan, dated April 16, 1979, Revised June 1, 1979, and on file with this Authority.

1. That said garage addition shall not encroach any closer to the lot line on the easterly side than ten feet (10') at the nearest point.

  
Francis L. Swift

  
William O. Hewett

  
William F. Cullinane

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

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

REC'D  
TOWN CLERK'S OFFICE  
MERRIMACK  
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