

TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK: September 4, 2008**

**PETITION NO: 4204**

**HEARING DATE: August 28, 2008**

**PETITIONER: Kristen Shaughnessy**

**PROPERTY: 87 North Main Street, South Yarmouth  
Map & Parcel: 0070.19; Zoning District: R40  
Registry of Deeds Book & Page: 16193/96**

**MEMBERS PRESENT AND VOTING: David S. Reid, Chairman, Joseph Sarnosky, Sean Igoe  
Renie Hamman and Debra Martin.**

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property as required by law, and to the public by posting notice of the hearing and publishing in *The Register*, the hearing opened and held on the date stated above.

The petitioner seeks a Special Permit under §104.3.2 in order to add a 4 foot by 10 foot addition to an existing single-family home. The property is located in an R-40 zoning district. The lot contains 15,680 ft.<sup>2</sup>, and is improved with an existing 1 1/2 story single-family home.

The existing lot is non-conforming as to size. The existing home is non-conforming as to both side yard setbacks. The petitioner's propose to construct an extension of an existing bathroom, measuring 4 feet out from the northerly sidewall of the home, and is to be 10 feet long. No additional rooms will be added to the house, but the existing bathroom will be extended and will include a laundry area. The addition will be one-story high. The addition will extend to within 6 feet of the northerly sideline of the lot. The petitioner represents that the abutting property owner will not be adversely affected by this modest addition.

No one spoke in opposition to the request. One neighbor to the north spoke highly in favor of the petitioners and their request.

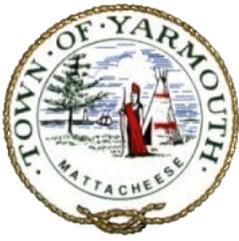
The Board finds that the proposed addition is modest in size and scope. Because it extends only 4 feet out from the existing sidewall, and because it will only occupy a small portion of the rear corner of the house, the Board finds that the request may be approved. The orientation of the abutting dwelling to this proposed addition does not indicate that the abutter should be adversely affected by this small addition. Therefore, the Board finds that the proposed extension of the existing home will not be substantially more detrimental to the neighborhood than the existing structure.

Accordingly, a motion was made by Mrs. Martin, seconded by Mrs. Hammon, to grant a Special Permit as requested, on the condition that no further expansion of the northerly side of the house may be undertaken without further relief from the Board and modification of this decision. The members present voted unanimously in favor of the motion. The Special Permit was therefore granted.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. Appeals from this decision shall be made pursuant to MGL c40A section 17 and must be filed within 20 days after filing of this notice/decision with the Town Clerk. Unless otherwise provided herein, the Special Permit shall lapse if a substantial use thereof has not begun within 24 months. (See bylaw §103.2.5, MGL c40A §9)

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David S. Reid, Clerk



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The Board finds that the proposed addition is modest in size and scope. Because it extends only 4 feet out from the existing sidewall, and because it will only occupy a small portion of the rear corner of the house, the Board finds that the request may be approved. The orientation of the abutting dwelling to this proposed addition does not indicate that the abutter should be adversely affected by this small addition. Therefore, the Board finds that the proposed extension of the existing home will not be substantially more detrimental to the neighborhood than the existing structure.

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