



TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK: March 15, 2013**

**PETITION NO: #4437**

**HEARING DATE: February 28, 2013**

**PETITIONER: Jack F. King**

**PROPERTY: 31 Locust Street, South Yarmouth, MA  
Map & Lot #: 042.16; Zoning District: R-25  
Book/Page: 14025/284**

**MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Joseph Sarnosky, Sean Igoe, Debra Martin, Bryant Palmer and Robert Howard, Alternate.**

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 is Jack King, who appeared along with Roy Fournier and Ronald Cadillac. Mr. Cadillac did a fine job in presenting the Petition and explaining the need for the relief sought.

The property for which relief is sought is located at 31 Locust Street, South Yarmouth, MA, property in an R-25 Zoning District. The Petitioner seeks to add a Farmer's Porch to the front of his home measuring 8' x 24.8'. The addition of this porch will result in the structure being as close as 19.6' to the road lay-out, but actually 22.8' from the road as currently constructed, thus, the need for relief.

Mr. King's is a retired police officer who seeks to enhance his property and its view from the street. In addition, the porch will add versatility to use of the home while serving the dual function of coverage in inclement weather. Roy Fournier will be the builder.

One Exhibit was received consisting of one sheet with eight photos of the subject property and other structures in close proximity. The neighborhood, in general, consists of modest dwellings on small parcels, like many properties in the neighborhood, the Petitioner's property is well maintained and the addition of a Farmer's Porch would be consistent with other nearby structures. The Board was unanimous in considering that the addition would enhance the property while creating no undue nuisance, hazard or congestion nor resulting in no substantial or other detriment to the existing or future character of the neighborhood or Town. As the property is not 100 ft. or more in depth from the street, the necessary set-back is only a percentage of that otherwise required.

Accordingly, on Motion made by Ms. Martin, seconded by Mr. Sarnosky, the Board voted unanimously to grant the relief as required by the Petition, without condition.

**No permit shall issue until 20 days from the filing of this decision with the Town Clerk. This decision must be recorded at the Registry of Deeds and a copy forwarded to the Board of Appeals. 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, MGL c40A §9)**

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Steven DeYoung, Chairman