



TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK: December 31, 2013**

**PETITION NO: #4492**

**HEARING DATE: December 12, 2013**

**PETITIONER: Gordon Clark, III**

**PROPERTY: 286 Route 6A, YarmouthPort, MA  
Map & Lot#: 0122.74; Zoning District: R-40**

**MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Bryant Palmer, Chuck Hart and Richard Neitz.**

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 Gordon Clark, III, who seeks relief by Special Permit to allow a garage bay to remain under the existing dwelling at 286 Route 6A, YarmouthPort, MA, property in an R-40 Zoning District. While the existing garage is allowed, the Petitioner is approved for the construction of a detached, 3 car garage and no more than three car garaging is allowed without Special Permit (See §202.5 Use Q (footnote #5), without relief, the existing garage use would need to be removed in order to erect the detached structure.

The existing garage is well-landscaped and not visible from the street. The additional garage space is, according to the Petitioner, necessitated by his owning several vehicles and will be utilized solely for his purposes.

The Board was unanimous in the findings that grant of the requested relief would result in no undue harm, nuisance or congestion nor would there be any substantial harm to the existing or future character of the neighborhood or Town. This property is somewhat unique as the existing garage is built under the house and fully screened from the street.

Motion was made by Mr. Igoe, seconded by Mr. Hart to approve the grant of Special Permit as sought by the Petition and received a unanimous vote in favor by the Board and, so, the Special Permit was granted, without conditions.

**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