



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: April 22, 2015

PETITION NO: #4587

HEARING DATE: March 26, 2015

PETITIONER: Steven A. Carlson

**PROPERTY: 32 Wilson Road, West Yarmouth
Map & Lot#: 0058.119; Zoning District: R-40
Doc. #: 1,167,353; CTF #: 194432**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Bryant Palmer, Debra Martin and Doug Campbell.

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 Steven Carlson who seeks approval of a Special Permit pursuant to Zoning By-law §104.3.2 (2) (or in the alternative, a Variance pursuant to §203.5) to erect a "Gazebo" roof over the existing patio area at his home located at 32 Wilson Road, West Yarmouth, MA, property in an R-40 Zoning District. Relief is necessary as the property is bounded by two streets and, even though the proposed Gazebo is in what is the property backyard, when constructed it would be too close to the rear abutting street as defined by zoning front yard set-backs.

The proposed 20' 6" x 13' 6" Gazebo will, essentially, be comprised of a roof, supported by 4 pillars, with three open air sides, the fourth side being the home.

A letter of support was received and read into the minutes from Mr. John McHale an abutter to the project.

The Board was unanimous in finding that the relief could be granted as a Special Permit and would result in no undue nuisance, hazard or congestion and that no substantial harm to the established or future character of the neighborhood or Town would occur.

Accordingly, Motion was made by Mr. Palmer seconded by Ms. Martin to grant the Special Permit without conditions. On this Motion, the Board voted unanimously in favor.

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)

Steven DeYoung, Chairman