



TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK:** March 3, 2017

**PETITION NO:** 4681

**HEARING DATE:** February 23, 2017

**PETITIONER:** George A. Bovino and Karyn Bovino

**PROPERTY:** 41 Sunset Drive, South Yarmouth, MA  
Map & Lot#: 0042:97; Zoning District: RS-40  
Book/Page: 12339/ 335

**MEMBERS PRESENT AND VOTING:** Chairman Steven DeYoung, Sean Igoe, Dick Martin, Thomas Nickinello and Bryant Palmer.

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 pursuant to Zoning Bylaw §104.3.2, in order to remove a portion of the existing dwelling, and to replace it, and add living space on 2 floors. The Property is located in the RS-40 Zoning District and is improved with a two-story single family structure having 4 bedrooms and 2 baths, and constructed in approximately 1963. The lot is a corner lot, having frontage on both Sunset Drive and Beachway Road. The property contains approximately 8,377 square feet. The house encroaches into the Sunset Drive front yard setback by 2 feet and into the Beachway Road front setback by 11 feet. It also sits approximately 2 feet from the westerly side setback, and complies with the southerly side setback. The existing Title 5 Septic System, installed in 1999, was constructed to accommodate 4 bedrooms. The current lot coverage is approximately 16.3%.

The proposal is to remove the existing one car garage and entryway, and to construct a new one-car garage, expand the entryway to the front and back of the house, add an 8 foot wide addition to the back of the first floor, and add a sunroom. The second floor, above the new entryway and garage, will include living space – an office and a studio. However, no new bedrooms will be created. Access to this new space is through a second floor bedroom. The addition to the rear will provide more space to reconfigure the existing living space in the house, and provide a sunroom. The new lot coverage will be 24.9%, an increase in the footprint of 719 sf.

One abutter sent a letter supportive of the project, and no one appeared in opposition.

The Board was in unanimous agreement that the expansion of the structure would not be substantially more detrimental to the neighborhood, zoning district, or Town, than the existing non-conforming structure. The Board also noted that although the existing structure encroaches into both of the front yard setbacks, there is additional space in the road layout which is not being utilized, which creates a safe distance from the actual roadway.

Accordingly, a Motion was made by Mr. Igoe, seconded by Mr. Martin, to grant the Special Permit, as requested, without conditions.

The members voted unanimously in favor of the Motion.

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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Steven DeYoung, Chairman