



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: July 22, 2019

PETITION NO. #4809

HEARING DATE: July 11, 2019

PETITIONER: Suzanne Snyder

**PROPERTY: 12 Race Road, West Yarmouth, MA
Map & Lot#:0045.62; Zoning District: R-25
Book/Page: 24306/102**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Tom Nickinello, Susan Brita and Tom Baron.

It appearing that notice of said hearing has been given by sending notice thereof to the Petitioner and all those owners of property deemed by the Board to be affected thereby, and to the public by posting notice of the hearing and published in The Register, the hearing was opened and held on the date stated above.

The Petitioner is Suzanne Snyder who seeks relief with respect to property located at 12 Race Road, West Yarmouth, MA, property located within a Zoning District R-25. Specifically, the Petitioner seeks a Variance from Bylaw §202.5 (Use Table No. 48) and Table of Dimensional Requirements By-law §203.5 (C). The Petitioner seeks to allow for a 2 family dwelling in an R-25 Zoning District. In order to accomplish this, the lot size would need to be in excess of twice the R-25 requirements of 25,000 ft.² or, thus, 50,000 ft.² lot size. The Petitioner's lot size is less than 7000 ft.².

The Petitioner did a good job of presenting her Petition and there was much public commentary in opposition to the Petition. While some of the protestations and commentary by the Petitioner dealt with personal matters and the manner in which

the Petitioner acted and allowed her tenants to act, this was truly of little consequence to the discussions by the Board. The specific and primary reason why the Board could not support the Petition nor grant the requested relief was that the lot size was grossly less than that required by the By-law. The lot is a pre-existing nonconforming size and the By-law requires that the dimensional requirements be doubled for a two-family home. As there is great disparity between the size of the Petitioner's lot size and that required by the By-law in order to permit a two-family dwelling to be located on one lot, the Board felt that there was no justifiable reason for the grant of a Variance. The Petitioner demonstrated no basis suggesting that the By-law should be varied due to any substantial hardship, financial or otherwise. She did not demonstrate that she was entitled to relief under By-law §102.2.2. There was no reason for the Petitioner or any predecessor to believe that they had a right to utilize this property as a two-family dwelling. Nevertheless, and after many efforts by the Town to seek the Petitioner's compliance with the law and cease utilizing the property as a 2-family dwelling, the Petitioner continues to disregard the law. The Board was, frankly, un-persuaded by any arguments or presentation by the Petitioner. Accordingly, a Motion was made by Mr. Igoe and seconded by Mr. Nickinello to deny the Petition to which the Board voted unanimously in favor and, therefore, the requested relief was denied.

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, a Variance shall lapse if the rights authorized herein are not excised within 12 months. (See MGL c40A §10)

Steven DeYoung, Chairman