

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, August 1, 2011

The Board consisted of:

Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jonathan F.X. O'Brien; and Jonas D.L. McCray, Associate.

Notice was published in the *Sudbury Town Crier* on July 14 and July 21, 2011, posted, mailed and read at this hearing.

Ms. Quirk, as Chair, explained the requirements necessary to substantiate the granting of a Variance. She also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Applicant Michael Dow and architect Frank Riepe of Building Arts were present to request a Variance to create a 135 square foot addition to a dining room on Mr. Dow's residence located at 112 Willard Grant Road. The addition would create a side yard setback deficiency of approximately two feet.

Mr. Riepe began by explaining that the house was located on a lot that was approximately one and half acres in an area that has one-acre zoning. When it was built during the 1960s the house was situated about twenty-three feet off of the side property line. The next neighbor's garage is approximately fifty-five feet away. This left the house with an odd placement with little space on the south side of the lot to enlarge it.

Mr. Riepe then showed a photograph of the house with a view from the street to illustrate that the addition would be barely visible from Willard Grant Road. The dining room addition would only extend about two or two and a half feet from the southernmost wall of the house. It will be a one-story addition at the end of the present dining room. The existing chimney would be removed and replaced at the end of the addition on the outer wall. The front of the house has already had some new construction.

Mr. Riepe said that the goal of this addition would be to substantially enlarge the dining room so that a full-sized dining table could fit and accommodate the occupants. The room could not be furnished if the applicants need to conform to the setback. He said that it was critical for the design that it be furnished properly.

Mr. Riepe said that he did not think that the addition would be harmful to the neighbors because it would be out of their view.

Mr. Gossels said that he did not feel that the addition would be detrimental nor that it was impinging upon the neighbors.

The Board agreed and then discussed how the application met the requirements of the variance as per Section 6130.

In regard to special conditions of the lot it was determined that the odd siting of the original house warranted consideration. When the house was built it was placed only about twenty-three feet from the lot line leaving not much room for future expansion.

The Board discussed that the floor plan of the house really dictated where the dining room expansion had to go. If the homeowner were to reconfigure the interior of the house to position his dining room elsewhere simply in order to comply with the bylaws he would incur a financial hardship. The dining room needs to be enlarged so that it can be used and furnished with a dining room table and as Mr. Riepe pointed out it is currently under-sized for the proportions of the remainder of the house.

Given the size of the addition and the fact that it is rather tucked away there really is only a minimal incursion into the setback. There is only one neighbor who could really see the addition. At this point Ms. Quirk noted that the Board was in receipt of an e-mail from neighbors Marc Hertzberg and Sarah Shonbrun at 106 Willard Grant Road stating that they had reviewed the application and had no objections to the plans. Therefore there would be no detriment to public good if the variance were granted.

And finally, the Board agreed that the granting of the variance would not nullify or substantially derogate from the intent or purpose of the bylaw.

As there were no further questions from the Board or audience, the hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Michael and Evelyn Dow, applicants and owners of property, a Variance from the provisions of Section 2600, appendix B of the Zoning Bylaws, to allow construction of an addition that is no greater than 135 square feet, which will result in a side yard setback deficiency of two feet  $\pm$ , property located at 112 Willard Grant Road, Residential Zone A-1."

In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioners require a variance to construct an addition which will result in a side yard setback deficiency. With regard to the criteria for the granting of Variances, the Board finds the following:

1. The Board finds there to be special conditions relating to the odd positioning of the original structure in close proximity to the lot line.
2. The Board finds that there would be a substantial financial hardship for the petitioners if the provisions of the Bylaw were to be literally enforced. The proposed construction will add needed functionality to the home and the proposed location is the most practical one for the floor plan which currently exists. To require an alternative plan would require a reconfiguration of the interior space which would be cost prohibitive and result in a financial hardship for the petitioners.
3. There will be no substantial detriment to the public good if the Variance is granted. The Board finds that the proposed construction is modest in size and in keeping with the character of the house and residential zone. Further, it will enhance the appearance of the existing house and surrounding neighborhood.
4. For the above reasons, the Board finds that the granting of this Variance will not nullify or substantially derogate from the intent or purpose of the Bylaw.

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Elizabeth T. Quirk, Chair

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Jonathan F.X. O'Brien

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Benjamin D. Stevenson, Clerk

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Jonas D. L. McCray, Associate

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Jonathan G. Gossels