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10, 01, 2015  
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since this decision was  
filed in this office  
and no appeal from the  
decision has been filed:  
*Rachel Yeme*  
Town Clerk

**DECISION OF THE ZONING BOARD OF APPEALS ON THE PETITION OF  
OF MATTHEW AND ALLISON SGRO FOR THE PROPERTY LOCATED AT  
19 BOYCE STREET, READING, MASSACHUSETTS**

September 3, 2015

Case No. 15-08

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, September 3, 2015, in the Selectmen's Meeting room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the Petition of Matthew and Allison Sgro (the "Petitioners") who seek a Special Permit and a Variance from Sections 6.3 and 7.3.2 of the Zoning By-Laws in order to construct a first floor addition and a second floor addition to the front of the existing dwelling on the property located at 19 Boyce Street in Reading, Massachusetts (the "Property").

The Property is located in a S-15 residential district and is a non-conforming structure on a non-conforming lot. The lot size is 8,360 square feet with a frontage of 76 feet and has an existing northwest side setback of approximately 14.45 feet.

The Board of Appeals may grant a Variance if it finds that the four following conditions have been met: (1) particular circumstances existing relating to soil conditions, shape or topography of the land or structures that are subject to the petition, but do not generally affect the zoning district in which it is located; (2) a literal enforcement of the zoning ordinance would involve a substantial hardship, financial or otherwise; (3) the desirable relief can be granted without substantial detriment to the public good; and (4) that the Variance does not nullify or substantially derogate from the intent or purpose of the zoning ordinance.

Matthew Sgro presented the Petitioner's case before the Board and gave explanations to the four criteria required to be met for a Variance and why the Petitioners' request for a Variance is warranted. The Chairman reported that the Zoning Officer had confirmed the need for a variance but had no other concerns with the Petitioner's proposal.

There are circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures, but not affecting generally the zoning district in which it is located. The current house is slightly askew as compared to the lot boundary on the northwest side of the property, thus not enabling the owner to construct the addition without creating a new non-conformity of tenths of a foot.

A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise. If a Variance is not granted, the Petitioner would be required to incur significant expense to alter their plans.

Desirable relief may be granted without substantial detriment to the public good. Granting the relief requested will not be substantially detrimental to the public good. The Property is located in a residential district with many existing non-conforming properties with respect to lot size and frontage. The Petitioner indicated the proposed work would result in a new non-conformity of less than one inch.

Relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning by-law. Because the existing structure is already non-conforming and the new non-conformity is so small, granting relief will not nullify or substantially derogate from the intent or purpose of the zoning by-law.

Following the Petitioner's presentation, the Chairman read into the record a letter from the neighbor immediately abutting the side of the property where the proposed work would be done, supporting the Petitioner's request for relief.

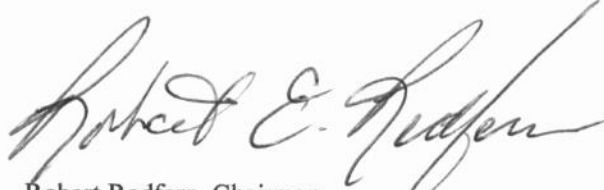
The Board reviewed the four criteria necessary for approval of a variance request and concurred with the arguments presented by the Petitioner's attorney for a Variance. Accordingly, a motion was made and seconded and the Board voted (5-0-0) to grant the Petitioners' request for a Variance from Section 6.3 and 7.3.2 of the Zoning By-laws.

As the Petitioners request for a variance was approved, Petitioners request for a Special Permit was deemed unnecessary and the Petitioners proposed to withdraw their request without prejudice. Accordingly, a motion was made and seconded and the Board voted (5-0-0) to grant the Petitioners request for withdrawal without prejudice.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to M.G. L. c. 40A, § 17, within twenty (20) days after the date of filing this Decision with the Town Clerk. Notice of appeal with a copy of the complaint must also be filed with the Town Clerk within twenty (20) days as provided in § 17.

This Variance shall not take effect until a copy of this Decision, bearing certification of the Town Clerk that twenty (20) days have elapsed after the Decision was filed in the Office of the town Clerk and no appeal has been filed, or if an appeal has been filed within such time, that is has been dismissed or denied, is recorded in the Middlesex South District Registry of Deeds and indexed in the Grantor's index under the name of the owner of record, or is recorded and noted on the Owner's Certificate of Title. The fee for recording or registering shall be paid by the Owner or Petitioner. Any person exercising rights under a duly appealed Variance Permit does so at the risk that a court may reverse the permit and that any construction performed under the permit may be ordered to be undone.

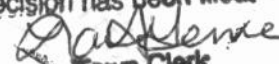
ON BEHALF OF THE READING ZONING BOARD OF APPEALS

  
Robert Redfern, Chairman

Zoning Board Members Voting on Case # 15-08:

For approval of a Variance: Damase Caouette, John Jarema, Robert Redfern, David Traniello, Eric Hagstrom

For a withdrawal for a Special Permit without prejudice: Damase Caouette, John Jarema, Robert Redfern, David Traniello, Eric Hagstrom

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