



Town of Reading

16 Lowell Street, Reading, MA 01867

Zoning Board of Appeals

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readingma.gov/zoning-board-of-appeals

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Decision on the Petition of
William C. Penny and Timothy Mello

On the Property Located at
120 Howard Street, Reading, Massachusetts

Case No. 21-04
June 1, 2021

The Zoning Board of Appeals (the "Board") opened a public hearing on April 15, 2021 via Zoom virtual meeting, in lieu of meeting in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of William C. Penny (The "Petitioner"), on behalf of homeowner Timothy Mello. After discussion the hearing was continued to May 20, 2021. The Petitioner sought a Variance under Sections 4.5.2, 6.3 and 7.4 of the Zoning Bylaws to create a one-story addition that creates a non-conforming side yard setback on the dwelling on the property located at **120 Howard Street** in Reading, Massachusetts (the "Property").

The Property is located in the S-15 residential district of Reading. The existing lot is considered legal non-conforming due to the fact that it does not meet the current area and frontage requirements for the S-15 zoning district. The existing dwelling (an "Old" style house, circa 1922) is deemed a legal non-conforming structure due to having a less than required front-yard setback of 18.4' where 20' is required.

The Petitioner was present at the meeting, along with the property owner Timothy Mello. It was stated that the Petitioner is seeking a Variance for a one-story addition at the eastern side of the existing dwelling. The proposal for the one-story addition results in a side-yard setback of 6.0' in the southeast corner of said addition, where 15.0' is required, resulting in the need for 9.0' of relief. The existing dwelling with the proposed one-story addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared and certified by Edward J. Farrell, Professional Surveyor No. 34613, 110 Winn Street, Suite 203, Woburn, MA 01801, dated May 7, 2021. Architectural layouts and elevations for the proposed addition, consisting of sheets 1 through 2, dated May 7, 2021 prepared by Andover Renovation Solutions Inc., Architect William C. Penny, 110 Winn Street, Woburn, MA 01801, were also submitted with the Petitioner's application.

Originally proposed as a two-story structure with a new garage entry-way, non-conforming side-yard setback and non-conforming front-yard setback the Board informed the Applicant that they were not in favor of an application resulting in the need for two separate variances. The Applicant then revised the plans as detailed above in order to remove the variance requirement for a front-yard setback. They found that the lot shape and size (8,402sf) resulted in a hardship for the homeowner due to limited space for the proposed addition. The homeowner stated the addition is needed to provide enough room for a growing family.

The Petitioner stated that multiple locations for the proposed one-story addition were considered. The abutting property to the west is approximately 2' from the property line so it was found that an addition on the west would impose on said neighbor. The abutters to the east are located over 50' away from the proposed addition location, resulting in less infringement. The rear of the lot is narrow and maintains an existing garage and cannot provide the space needed for the proposed addition.

A motion was made and seconded by Board Members that the proposed addition meets the criteria for a Variance under Section 7.4 of the Reading By-laws for a proposed one-story addition to an existing dwelling. The Board voted in the affirmative (4-0-0) to grant a Variance in order to construct a one-story addition to the dwelling at **120 Howard Street, Reading, MA** as shown on the previously noted Certified Plot Plan and Architectural plans submitted under the condition that the mentioned letter of support from abutters be submitted to the Public Services Department at Reading Town Hall.

Any person aggrieved by the 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 it 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 Special 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, Chair

Board members sitting and voting on Case No. 21-04
Robert Redfern, Nick Pernice, Hillary Mateev, Jamie Maughan