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TOWN OF READING  
ZONING BOARD OF APPEALS  
DECISION ON THE PETITION OF  
Amy and Mike Koehler  
FOR THE PROPERTY LOCATED AT  
23 Middlesex Avenue, Reading, MA 01867

July 15, 2021  
Case No. 21-09

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday July 15, 2021 at 7:00 p.m. in the Select Board's Meeting Room at Town Hall, 16 Lowell Street, Reading, Massachusetts to hear the petition of Amy and Mike Koehler (the "Petitioner"). The Petitioner sought a Special Permit under Sections 7.0, 7.3, and 7.3.2 of the Zoning By-Laws to remove an existing farmers porch and replace it with a newly constructed, larger porch, that has both a non-conforming front-yard and side-yard setback, to an existing non-conforming dwelling on a non-conforming lot for the property located at 23 Middlesex Avenue in Reading MA (the "Property").

The Property is located in the Single-Family S-15 residential zoning district of Reading. The existing lot is considered legal non-conforming, due to the fact that it does not meet the current lot area (15,000 square-feet) or frontage requirements (100 linear feet) required in the S-15 Zoning District. The lots current area is ~9,424 square-feet and it maintains 61 linear feet of frontage along Middlesex Avenue. The existing dwelling, an Old-style house, circa 1895, is deemed a legal non-conforming structure due to the existing, less than required minimum front-yard (20 feet) and side-yard (15 feet) setbacks to the property line. The Petitioner's architect, Nancy Twomey, was present at the meeting. It was stated that the Petitioner is seeking a Special Permit for a new farmers porch at the front (south) of the property, that would be built along the existing non-conforming front-yard and side-yard setbacks. The porch would lead to a two-story addition along the eastern side of the property; the two-story addition conforms to the side-yard setback, as well as all other dimensional requirements. The proposed porch would maintain a non-conforming 17.1-foot front setback, the same as existing; and a 13.4-foot side-yard setback to the west, also the same as the existing dwelling. The existing dwelling with proposed addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared and certified by John D. Sullivan III Professional Surveyor No. 41586, P.O. Box 2004, Woburn MA 01888, dated May 5, 2021. Architectural layouts of existing and proposed floor layouts, and elevations for the proposed addition, consisting of sheets 1 through 9, dated April 26, 2021, prepared by Twomey Design, 23 California Road Reading, MA 01867, were also submitted with the Petitioner's application.

The Board found that the proposed increase of impervious area would not exceed the 25% lot coverage requirements due to the removal of the existing garage to the north of the property. The Petitioner stated that the existing foundation required removal and rebuilding due to its deterioration. The Board discussed the proposal and deemed that the proposal would not expand the existing non-conformity, is in keeping with the character of the existing house, and does not take away from the character of the neighborhood.

Section 7.3.2 of the Reading Zoning By-Laws states, in relevant part, "For those alterations not eligible for a building permit pursuant to Section 7.3, the Zoning Board of Appeals may grant a Special Permit to reconstruct, extend, alter, or structurally change a nonconforming building or structure upon a finding that such reconstruction, extension, alteration or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure". Following RZBA Case No. 21-09 – 23 Middlesex Avenue, Special Permit for Farmers Porch to Two-Story Addition

discussion with the Petitioner and comment among the Board members, the meeting was opened to public comment and, with no input from the public forthcoming, subsequently closed.

A motion was made and seconded by Board Members that the proposed addition would not be substantially more detrimental to the neighborhood than the existing dwelling and would meet the requirements for Special Permit under Section 7.3.2 of the Reading By-Laws for a proposed addition to an existing non-conforming dwelling. The Board voted 4-0-0 in the affirmative to grant a Special Permit in order to construct a new farmers porch that leads to a two-story addition on the dwelling at 23 Middlesex Avenue, as shown on the previously noted Certified Plot Plan and Architectural plans submitted, with the following conditions attached.

The Special Permit is conditioned upon the following:

1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans, prior to the issuance of a foundation permit for the work.
2. The Petitioner's final construction plans for the new structure shall be submitted to the Building Inspector, along with the as-built foundation plan(s), prior to the issuance of a Building Permit.
3. The Petitioner shall submit as-built plans to the Building Inspector showing the completed construction immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by the decisions 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 Special Permit 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



Andrew MacNichol, Staff Planner

Board Members voting on Case #21-09:

Jamie Maughan – Chair (yes), Hillary Mateev (yes), Cynde Hartman (yes), Alex Normandin (yes)

RZBA Case No. 21-09 – 23 Middlesex Avenue, Special Permit for Farmers Porch to Two-Story Addition