



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

Kyle Coughlin

On the Property Located at

15 Winthrop Avenue, Reading, Massachusetts

Case No. 21-14

December 16, 2021

The Zoning Board of Appeals (the "Board") opened and held a public hearing on **Thursday, December 16, 2021** at 7:00 p.m. in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts to hear the petition of **Kyle Coughlin** (The "Petitioner"). The Petitioner sought a **Special Permit** under Sections 7.3 and 7.3.2 of the Zoning By-laws to construct both a ground level covered deck with a second-story addition above and a separate single-story addition, **both of which extend existing non-conforming side-yard setbacks** on the dwelling on the property located at **15 Winthrop Avenue** 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 (15,000sf) and frontage (100 linear feet) requirements for the S-15 zoning district it is in. The existing lot maintains 4,348sf of area and 20.93 linear feet of frontage along Winthrop Avenue. The S-15 Zoning District requires setbacks of 15' from the sides and 20' from the front and rear. The existing dwelling (an "Colonial" style house, circa 1810) is deemed a legal, non-conforming structure due to less than required minimum front- and side-yard setbacks to the property line. The Petitioner was present at the meeting, and is the current homeowner. It was stated that the Petitioner is seeking a Special Permit to construct both a ground-level deck with a second-story above at the north/east (side/rear) side of the existing dwelling and a single-story addition to the west (front) of 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 July 29, 2021. Architectural layouts and elevations for the proposed addition, consisting of sheets 1 through 6, dated August 31, 2021 were also submitted with the Petitioner's application.

The existing dwelling maintains a pre-existing non-conforming side-yard setback to the north lot line of 4.8'. It also maintains a pre-existing non-conforming side-yard setback to the south lot line of 8.7'. The proposed deck and second-story cover addition is proposed in the rear of the property and extends along and to both of the existing non-conforming side-yard setbacks. It is setback between 4.9' and 5.1' to the northern side-yard lot line and is setback 14.1' from the south side-yard lot line. The proposed single-story addition at the west/south (front/side) of the property is proposed to be built along the existing non-conforming southern side-yard setback and is setback 8.8' from the southern property line. Both additions require a Special Permit for extending non-conforming setbacks.

It was noted that a new roofed portico is proposed at the west (front) of the property. This proposed addition is 11.2' from the north/side-yard lot line. It is also setback 16.3' from the front lot line. It was noted that such addition may have required a Variance from the Zoning Board of Appeals for the proposed front setback; however, Footnote One of the Table of Dimensional Controls (Section 6.3 of the Bylaw) states that, *"In Residence Districts, irrespective of the requirements set forth in this Table, the required front yard for any building other than a Multi-Family Dwelling shall be ten (10) feet or the average of the actual front setbacks of the buildings on the adjacent lots on either side, whichever is greater..."* It was found and noted on the plot plan that the adjacent lots maintain an average front setback average of 6.7'. This allows the proposed front setback of 16.3' to be built by-right under Footnote One.

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

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

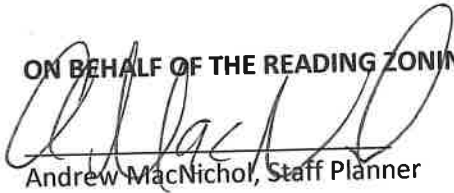
A motion was made and seconded by Board Members that the proposed additions would not be substantially more detrimental to the neighborhood than the existing dwelling and, would meet the requirements for Special Permit under Section 7.3.2 of the Reading By-laws for a proposed addition to an existing dwelling. The Board voted in the affirmative (5-0-0) to grant a Special Permit in order to construct the proposed deck with a second-story cover addition to the north/east, the single-story addition to the south, and the proposed roof portico to the west, for the dwelling at **15 Winthrop Avenue** as shown on the previously noted Certified Plot Plan and Architectural plans submitted, with the following conditions attached.

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

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.

The 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 sitting and voting on Case No. 21-14

Hillary Mateev, Cynde Hartman, Cy Caouette, Ryan Bourque, Andrew Grasberger

