

**DECISION OF THE ZONING BOARD OF APPEALS
of the
TOWN OF WESTWOOD**

PROPERTY OWNER(S): Thomas and Allison Demers

PETITIONER(S): Barry Crimmins on behalf of
Thomas and Allison Demers
82 Lake Shore Drive
Westwood, MA

LAND AFFECTED: 82 Lake Shore Drive
Westwood, MA
Map 28, Lot 115

HEARING:

The Board of Appeals for the Town of Westwood held a Public Hearing according to the General Laws of the Commonwealth of Massachusetts on Wednesday, November 17, 2021, at 7:00 PM via remote participation, to consider the Petitioner's request for a variance pursuant to Westwood Zoning Bylaw Section §4.5.3.3 [Variance Required for New or Expansion of Nonconformity]. The Petitioners propose to replace an existing 94 SF three-season porch with a new 145 SF addition which would encroach on the side setback to a greater extent than the current non-conforming structure, leaving a side yard setback of 3.9 feet where the existing setback is 7.4'. The property is located in the Single Residential C (SRC) zoning district.

BOARD MEMBERS: Michael McCusker
Danielle Button
Sean Coffey

APPLICABLE SECTIONS OF THE WESTWOOD ZONING BYLAW

4.5.3.3 Variance Required for New or Expansion of Nonconformity. In the event that the Building Commissioner determines that a proposed alteration to a nonconforming structure increases the nonconformity or results in a new nonconformity and does not meet the requirements of Section 4.5.3.1 nor of Section 4.5.3.2, a variance is required in accordance with Section 10.4 of this bylaw. If the nonconforming nature of a structure would be increased by the proposed alteration, a variance from Board of Appeals shall be required to allow such alteration. In addition, no nonconforming structure, commercial or residential, shall be altered to accommodate a substantially different use, or to accommodate the same use in a substantially different manner or to a substantially greater extent, unless a variance allowing said alteration is granted by the Board of Appeals.

- 7 Except that a portion of any building or structure not exceeding fifteen (15) feet in height shall be set back a minimum of fifteen (15) feet from the side lines of its lot, and a detached accessory building or structure having a height of less than fifteen (15) feet and a front setback of at least one hundred (100) feet shall be set back a minimum of six (6) feet from the side lines of its lot.
- 8 Except that a detached accessory building or structure having a height of less than fifteen (15) feet shall be set back a minimum of six (6) feet from the rear line of its lot.
- 9 Unless the wall facing a side lot line is either a party wall or, if adjoining another lot in the same district, a wall with its outer face coincident with such line. The space between buildings or structures, if any, shall not be reduced to less than fifteen (15) feet.
- 10 Except that if the side yard abuts a railroad right-of-way, there shall be no minimum side yard setback.
- 11 Except that if the rear yard abuts a railroad right-of-way, there shall be no minimum rear yard setback.

FINDINGS

In consideration of all the testimony an exhibits and documents submitted before the Board, the board makes the following findings of fact:

1. The Subject Property is located at 82 Lakeshore Drive within in the Single Residential C (SRC) zoning district. Relief in the form of a Variance pursuant to Section §4.5.3.3 was requested. The Board of Appeals is the Special Permit Granting Authority.
2. The Petitioners propose to replace an existing 94 SF three-season porch with a new 145 SF dining room addition which would encroach on the side setback to a greater extent than the current non-conforming structure, leaving a side yard setback of 3.9 feet where the existing setback is 7.4' and 15' is required.
3. In the course of the Board of Appeals meeting on November 17, 2021, following testimony and prior to a vote by the Board, the Petitioner requested to withdraw the application without prejudice.

DECISION

At a meeting of the Board of Appeals on Wednesday, November 17, 2021, the Board voted unanimously via roll call to grant the Petitioner's request for leave without prejudice.



WESTWOOD ZONING BOARD OF APPEALS

Michael McCusker

Danielle Button

Sean Coffey

12/1/21

Date

82 Lake Shore Drive