



**TOWN OF GROVELAND
ZONING BOARD OF APPEALS**

**DECISION FOR SPECIAL PERMIT & VARIANCE
APPLICATION #2018-4**

YOU ARE HEREBY notified of the Decision of the Board of Appeals on the application made by Bruce Wood (the "Applicant") for property located at 89 and 89 ½ Gardner Street, Groveland, Massachusetts, Assessor's Plat # 16-41-0 Lot # 89 and Plat# 16-42-0, Lot #89 1/2, located in the R-3 District (the "Property").

Application # 2018-4 was filed with the Board on September 10, 2018 as signified by the Town Clerk's date stamp. The Applicant requests a Finding of Fact (Special Permit) from the Board on merging both aforementioned lots into one lot. The Applicant also requests a 55-foot variance from the 130-foot frontage requirement and to allow a 26,200 square foot lot where a 27,000 square foot lots are required for in the R-3 District for two-family properties.

Notice of such public hearing was given by posting in Town Hall posting, publication in The Eagle Tribune on September 19, 2018 and September 26, 2018, and by certified mail to all parties-in-interest as defined in Section 11 of Chapter 40A of the Massachusetts General Laws.

The Board, as authorized by Section 15 of Chapter 40A of the Massachusetts General Laws, heard Application #2018-4 at a public hearing conducted on October 3, 2018.

FINDINGS:

The Board makes the following findings in connection with this Decision:

1. The property (89 Gardner Street) was split into two lots in 1947 (Lots A & B). Both lots have single family dwellings and been owned by the same family (Wood) since 1954 and the family is desirous of merging the two lots. Both structures were built in/around 1900. In the opinion of The Board, the use and lot configuration is grandfathered. The Board also agrees that the lots may be combined for zoning purposes and for tax purposes. The Board agreed that the lot will be considered a single-family lot with a detached accessory dwelling (as opposed to a two-family lot).
2. Since the Board determined that this would be a single-family lot with a detached accessory dwelling, it will now comply with the single-family lot size requirement in the R-3 district (20,000 sf) and no variance for the minimum lot size is required.
3. The Property is a unique shape ("pork chop lot") which is different than the surrounding area and district.

4. The literal enforcement of the by-law regarding the frontage of the lot would involve substantial hardship, financial or otherwise.
5. Granting the desired variance and special permit will not be a substantial detriment to the public good and will not nullify or substantially derogate from the Zoning By-Laws because the proposed combination of lots and will not be a visual change from existing conditions.

DECISION:


The Board voted 4-0 to approve Application 2018-4 and grant the Applicant a 25-foot variance from the 100-foot frontage requirement and a special permit for a single family with an accessory apartment.

1. This variance for the frontage shall not take effect until it has been recorded in the Essex County Registry of Deeds.
2. Property must conform to the conditions defined in the Accessory Apartments, Section 7.1 of the Groveland Zoning Bylaw (that was voted at Town Meeting on April 30, 2018*), save the size. Applicant may not make any changes to the accessory apartment that will increase its non-conformity to the bylaw.

Vote on the Motion to approve this Decision:

	YES	NO	ABSTAIN	ABSENT
CHAIR (J. Normand)	X			
MEMBER (K. Franson)	X			
MEMBER (J. Stokes)	X			
MEMBER (C. Goodwin)	X			
MEMBER (Vacant)				

Any Appeal of this Decision shall be made pursuant to Section 17 of Chapter 40A.



 Chair: Jason Normand

10/25/18
 Date:

*Please be aware that the amendments to the Town of Groveland's Zoning Bylaws approved by a vote of Town Meeting on April 30, 2018 are currently being reviewed by the Office of the Attorney General, and any action taken under any permit issued pursuant to the amended Bylaw is taken at the permit holder's risk with the understanding that a disapproval of the amended Bylaw may result in the activity undertaken pursuant to said permit being disallowed.