



TOWN OF WEST NEWBURY

381 Main Street, West Newbury, MA 01985

ZONING BOARD OF APPEALS

Meeting Minutes 06-29-2021

ZBA Members in attendance: Paul O. Kelly (Chairperson), Members: Richard Davies, Kim Monahan Borgioli (remote), Patrick Higgins, and Dennis Lucey.

ZBA Meeting was delayed until keys arrived to unlock Town Hall doors, the meeting was called to Order at 7:20pm.

APPLICANT(S): Christopher Ouellette & Jessica Goren

OWNER(S): The Christopher Ouellette Rev. Trust & The Jessica Goren Rev. Trust

ADDRESS: 170 Crane Neck St.

ASSESSOR MAP: R-4

PARCEL: 9

DEED REF.: BK. 39155, PG. 151

PLAN REF.: Plan 467 of 1956, Essex.So.D.R.D.

ZONING DISTRICT: Res A

Plan Book 295, Plan 91 of 1995, Essex.So.D.R.D.

REQUEST: Finding for relief/variance from minimum side & front setbacks due to angular lot shape and location of pre-existing non-conforming home, extend existing front face of existing garage to left 10 feet and allow side yard setback of 15 feet to rear corner of proposed garage extension, relief/variance sought for garage addition.

On May 19, 2021, Christopher Ouellette & Jessica Goren, owner/applicant of the property located at 170 Crane Neck St., West Newbury, MA 01985, filed an application for a building permit to construct a "one story garage addition", the West Newbury Building Commissioner denied the application on May 24, 2021 pursuant to section 6.A of West Newbury Zoning Bylaw. On June 2, 2021, Christopher Ouellette & Jessica Goren, owner/applicant of the property located at 170 Crane Neck St., filed an application for a Finding for a relief/variance from the side setback requirements of the Town of West Newbury Zoning By-Law under SECTION 6, Sec.6.A, Table of Dimensional Control & Sec. 6.A.4, which requires a minimum twenty (20) foot side yard setback and forty (40) foot front yard setback from the Street Right of Way in the Zoning District Res. A. The applicant proposes a garage addition to the left side of the existing home and garage structure, by extending the front face of the existing garage to the left 10 feet.

Jessica Goren introduced to the Board the varying limitations of the angular lot shape and steep slope to left of driveway and the layout of the current home and existing garage (on left side of home) & driveway where the proposed garage is to be sited, she described the reasons for the request for the relief (substantial angular shape of the existing lot and existing location & layout of the home and garage on the lot), the plot plan showing the existing home & garage, and the proposed garage was reviewed, as were the home design plans prepared by Joel R.M. Gagnon of Architexture Residential Design. It was noted that the front of the proposed garage would be an extension of the existing garage face to the left side. It was noted that the existing home and garage were pre-existing nonconforming. It would be a substantial hardship to add the proposed garage on the other side of the home (right side) due to the existing deck/stairs, utilities and AC

compressor locations and the existing home layout and garage location, the entire flow of the home would need to be reversed. The front of the existing home has front yard offset of 21.3' and the existing garage has a front yard offset of 27.9', the required 40 front yard setback from Crane Neck Street would require the proposed garage to be substantially more within the side yard setback. The existing house rear left corner is 24.6' from the boundary line on the left of the home. The proposed garage structure will be 27.9' from Crane Neck St. and rear left corner will be 15.0' from the boundary line on the left side.

Materials Supplied & Reviewed: Plot Plan of 170 Crane Neck Street prepared by Edward Dixon, PLS of Hancock Associates on May 17, 2021 and submitted with application. The application also included Architectural Plans prepared by Joel R.M. Gagnon of Architexture Residential Design.

Abutter Comments: None, no neighbors spoke against the relief/variance requested, all interested parties present were afforded an opportunity to speak on the application, there were no objections.

The Board concluded that (1) due to the angular lot shape and pre-existing location and layout of existing home & garage, (2) there is sufficient evidence of hardship to the applicant to justify granting the relief/variance, given the additional structural designs and reconfiguration required to locate the proposed garage on the right side of home would be overbearing, (3) and that granting the proposed finding for relief for the variance from the Town of West Newbury Zoning By-Law under SECTION 6, Sec.6.A.4 shall not be a substantially more detriment to the neighborhood. The Board made this determination based upon the fact that the Finding for relief/variance would not alter the essential character of the neighborhood (house & proposed garage are an extension of existing garage from the street view elevations) and would be in keeping with the purpose and intent of the bylaw. It would be a substantial hardship if the requested findings for relief from current setback requirements were not approved. The proposed garage design plans are in keeping with the nature & harmony of the neighborhood.

After affording all interested parties present an opportunity to speak on the application, there being no objections to the Finding for relief/variance from setback requirements in the application, a motion to close the hearing was moved and seconded, and voted 5-0 to close. Chairman Paul O. Kelly called for a motion, a motion was made that the Board grant the Petitioner's request for Finding of relief/variances from side & front setback requirements as requested in the application & depicted on Variance plan for the reasons set forth above, with said stipulation of recording the Decision and Variance plan a requirement, the motion was seconded; so voted; By a unanimous 5-0 decision, the board voted to grant the Finding for relief/Variance to the Petitioners with required stipulations, therefore, the motion carried.

The Board therefore grants the requested Finding for Relief/Variance from side & front setback requirements, as requested in the application & depicted on the Variance Plan.

As stipulated by the Board, the Applicants/Petitioners shall have the West Newbury Zoning Board Decision and Variance Plan recorded at the registry of Deeds, and proof of recording of both will be submitted to the Building Commissioner, Town Clerk and the West Newbury Zoning Board of Appeals.

West Newbury Zoning Board of Appeals members voting: Chairman Paul O. Kelly, Richard Davies, Kim Monahan Borgioli (remote), Patrick Higgins, and Dennis Lucey.

The ZBA reviewed and approved the amended Meeting Minutes submitted by Patrick Higgins for the following hearing: West Newbury ZBA Meeting Minutes for 04-27-2021, Vote: (5-0-0) approved.

ZBA discussed the need to discuss updates for Variance plan submittal requirements and/or checklists.

A call to close the meeting was seconded, Voted 5-0 to close the meeting.

Meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Patrick Higgins

Patrick Higgins

ZBA Board Member