



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: March 20, 2012

PETITION NO: #4383

HEARING DATE: March 8, 2012

PETITIONER: Ben G. Saada, SACATA Realty Trust

**PROPERTY: 4 Aunt Edith's Road, South Yarmouth, MA
Map & Parcel: 0051.93; Zoning District: R-40
Book & Page: 25561/325**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Joseph Sarnosky, Debra Martin, Robert Howard, Richard Neitz, and Bryant Palmer (Non-voting Alternate).

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property as required by law, and to the public by posting notice of the hearing and publishing in *The Register*, the hearing opened and held on the date stated above.

The Petitioner is Ben Saada, whose Petition asks for the grant of a Special Permit pursuant to Zoning By-law §104.3.2 in order to construct an addition to the front of the residence located at 4 Aunt Edith's Road, property in the R-40 Zoning District. The property is being renovated generally and a portion of the project will result in encroachment into the otherwise required front setback.

The Petitioner previously presented a request with a larger proposed addition which, after review by the Board, he was allowed to obtain withdrawal without prejudice. He now seeks a more modest proposal that would result in a lesser intrusion into the front setback.

The Board was quite impressed and thankful to the Petitioner for his attention to the Board's concerns when the project was first proposed. Generally, it was felt that the scaled back plan as set forth on the plan for "Proposed Addition Plot Plan" of Verne T. Porter, Jr., PLS dated 2/13/2012 was a good faith effort on the part of the Petitioner to reasonably limit the encroachment.

The Board received as Exhibit 1 a photo of the existing interior foyer area offered to show the difficulty the present entryway causes to the utility of the structure and the desirability of its relocation to the proposed addition.

Finding that no undue nuisance, hazard or congestion will be created nor will there be any harm to the established or future character of the neighborhood or Town, on Motion made by Ms. Martin, seconded by Mr. Neitz the Board voted unanimously to grant the Special Permit as prayed for by the Petition and without conditions.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. This decision must be recorded at the Registry of Deeds and a copy forwarded to the Board of Appeals. Appeals from this decision shall be made pursuant to MGL c40A section 17 and must be filed within 20 days after filing of this notice/decision with the Town Clerk. Unless otherwise provided herein, the Special Permit shall lapse if a substantial use thereof has not begun within 24 months. (See bylaw, MGL c40A §9)

Steven DeYoung, Chairman