



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: September 18, 2015

PETITION NO: #4610

HEARING DATE: August 27, 2015

PETITIONER: Richard Brown

**PROPERTY: 2 Lucerne Drive, YarmouthPort, MA
Map & Lot#: 0143.133; Zoning District: R-40
Book/Page: 27652/45**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Debra Martin, Bryant Palmer and Gerald Garnick.

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, Richard Brown, appeared on his own behalf in connection with relief sought relating to a shed on residential property located at 2 Lucerne Drive, YarmouthPort, MA.

No one appeared in opposition to the requested relief. Many persons (neighbors), inclusive of the immediate abutter most affected, wrote in support of the grant of relief pursuant to By-law §104.3.2 (2).

The Petitioner seeks to locate a shed (8' x 14') closer to the road than ordinarily would be allowed. The lot is a corner lot with the shed to be located to the side of the house but would be too close to Lucerne Drive. This is the logical location and the shed cannot be moved further from the street due to septic system components.

The Board felt relief could be granted without resulting in any undue hazard, nuisance nor congestion nor would it cause any substantial harm to the existing or future character to the neighborhood or Town.

Motion was made by Ms. Martin, seconded by Mr. Garnick to approve the requested relief on the condition that the side of the shed facing Lucerne Drive will have a window added to soften the view from the street. On this Motion, the Board voted unanimously in favor.

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