



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: April 21, 2016

PETITION NO: #4637

HEARING DATE: March 24, 2016

PETITIONER: Eric and Elizabeth DiPreta

**PROPERTY: 353 Route 6A, YarmouthPort, MA
Map & Lot#: 0123.12; Zoning District: R-40
Book/Page: 13214/58**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Bryant Palmer, and Richard Neitz.

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 Petitioners, Eric DiPreta and Elizabeth DiPreta seek two forms of relief in connection with property they own at 353 Route 6A, Yarmouthport, MA, located in an R-40 Zoning District. The Petitioners appeared and did a fine job of presenting the Petition. No one spoke in opposition and no exhibits were received.

The first relief was for a Special Permit under By-law §104.3.5 (2) to allow the Petitioners two non-conforming lots to be combined. As this relief is clearly in compliance with the criteria for such relief, the Board voted unanimously in favor of the Motion made by Mr. Neitz, seconded by Mr. Palmer to grant the Special Permit as relating to the lot combination.

Additional relief was sought for side set-back relief in connection with the construction of a proposed garage and breezeway. The relief is necessary as the lot has a narrowing side yard along its easterly side line with a vacant lot between it and the next developed lot. Each member concurred that the requested relief could be granted without resulting in any hazard, nuisance, congestion nor hardship to the present and future character of the neighborhood and Town. Motion was, therefore, made by Mr. Neitz, seconded by Mr. Palmer for the construction of the proposed garage and breezeway as represented on the Petitioner's submitted plans. This Motion was voted in favor of by unanimous vote and the Special Permit was granted accordingly.

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