



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: November 29, 2016

PETITION NO: #4673

HEARING DATE: November 10, 2016

PETITIONER: Nathan J. and Elizabeth S. Jenkins

**PROPERTY: 34 Weir Road, YarmouthPort, MA
Map & Lot#: 0124.100; Zoning District: R-40
Book/Page: 24503/187**

MEMBERS PRESENT AND VOTING: Sean Igoe, Chairman, Dick Martin, Doug Campbell 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 Petitioners are Nathan and Elizabeth Jenkins who seek a Special Permit to construct an addition within the required setbacks pursuant to the provisions of Zoning By-law §104.3.2.

The Petitioners presented the proposed addition plans to the Board, noting the requested relief was for an approximately 11 inch encroachment into the side yard setback, in addition to allowance for a stoop. The Petitioners described the plans to construct an approximately 700 square foot, two-story addition to the pre-existing non-conforming single-family dwelling.

Mr. and Mrs. Erenius of 38 Weir Road were present to speak in favor of the Petition. A letter of support from David and Laurie Berkowitz of 28 Weir Road was submitted to the record.

The Board discussed and confirmed the need for Special Permit relief. The Board confirmed with the Petitioner that the proposal to create a three-bedroom dwelling had been approved by the Health Board. The Board found that no undue nuisance, hazard or congestion will be created and that there will be no substantial harm to the established or future character of the neighborhood or town.

Accordingly on a Motion by Mr. Garnick and seconded by Mr. Martin the Board voted unanimously in favor of the grant of the Special Permit.

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)

Sean Igoe, Chairman