


TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

YARMOUTH TOWN CLERK

  
17MAY25PM4:37 REC

**FILED WITH TOWN CLERK: May 25, 2017**

**PETITION NO: #4689**

**HEARING DATE: May 11, 2017**

**PETITIONER: Christopher B. and Lizette M. Hill**

**PROPERTY: 6 South West Drive, South Yarmouth, MA  
Map & Lot#: 0025.305; Zoning District: R-25  
Doc.#:390705;Ctf.#:105915**

**MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Dick Martin and Thomas Nickinello.**

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 Chris Hill and Lizette Hill who seek relief to allow for construction of an addition on an undersized lot located at 6 South West Drive, South Yarmouth, MA property in an R-25 Zoning District.

There is an existing deck that services the property. The Petitioner's seek to replace the deck with a slightly larger, screened porch which will essentially be in all the required set-backs except along the westerly border where the side of the house faces a street (though the front is clearly facing South West Drive).

The need for relief is, at best, minimal. The Board felt that the addition would enhance both the use of the property and the overall value and aesthetics of the property. The relief was considered as a Special Permit and the Board found that no undue nuisance, hazard or congestion nor substantial harm to the current or future character of the neighborhood or town would occur if the relief was granted, with conditions.

Motion was made by Mr. Martin, seconded by Mr. Nickinello, to grant the Special Permit on the conditions that:

- 1) The addition be used only as a 3 season room;
- 2) That there be no windows, only screens over the openings, other than doorways; and
- 3) There is no heat service in the addition.

On this Motion, the Board voted unanimously in favor and the Special Permit was, therefore, granted.

The Petition sought a Variance as alternative relief. At the Petitioner's request and upon Motion by Mr. Igoe, seconded by Mr. Martin, the petitioned Variance was allowed to be withdrawn without prejudice by the Board's unanimous vote.

**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