



OFFICE OF THE  
**LITTLETON BOARD OF APPEALS**  
LITTLETON, MASSACHUSETTS 01460

Petitioner: JUSTIN AND DIANE BRONDER

Case No: 24-969

Date Filed: December 29, 2023

The Littleton Board of Appeals conducted a public hearing on January 18, 2024, at 7:10 P.M. at the Shattuck Street Municipal Building, 37 Shattuck Street, Littleton, for a Variance or Special permit pursuant to Section 173-31 to allow the construction of a two-car garage onto the left side of the existing house with a reduced side setback at 82 Spectacle Pond Road, Littleton, MA. Notice of the hearing was given by publication in the Lowell Sun, a newspaper circulated in Littleton, on January 4, and 11, 2024 and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, John Sewell, Clerk, John Field and Rod Stewart, Members and Daryl Baker, Alternate.

The Petitioner represented by Kevin R. Conover of David E. Ross Associates, Inc stated that the subject property is situated on the westerly side of Spectacle Pond Road in a residential district. Most of the properties along the street have 2 car garages. The subject property has no garage. It conforms in all respects to the zoning bylaw but the logical and only area for the garage is on the left side of the house, and a 2-car garage with mudroom/entry would fall 9.4 feet from the side property line instead of the required 15 feet. (Littleton's zoning bylaw allows a 10' side setback for detached garages and a 15' side setback for attached garages.) Petitioner stated that one of the reasons for the need for a variance is because when the house on the abutting property was constructed sometime prior to the construction of the subject property, the builder located the abutting structure within the side setback so a lot line adjustment was made, reducing the side setback available for this property. In fact, the side property line which once was a straight line from front to rear, now has a curve into the lot right beside the house structure. The Petitioner's engineer presented a detailed plan showing exactly where the setback line would fall in relation to the new structure and demonstrated the *diminimus* nature of the proposed variance.

The Petitioner stated that these factors support the claim that the lot is unique in that the lot line was compromised, and that the Petitioner would suffer a hardship by being denied a garage or having to locate it elsewhere on the property where yard features prevent access and egress to it. They also stated that most of the neighboring properties enjoy a similar design with 2 car garage so it will not substantially derogate from the zoning bylaw's intent.

It was represented that the neighbors have no issue with the variance. No abutters appeared in opposition.

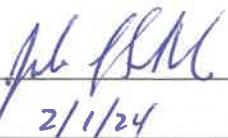
The Board determined that the requested relief from setback would require a Variance.

Received  
Feb 1, 2024 1:30pm  
Dale Dow

**FINDINGS:** The Board found that the request was reasonable and that the property was unique in the sense that it was built without a garage and placed on the lot such that there was no available location for a 2 garage adjacent to the house to be placed without a setback violation, and that denying the homeowner a garage in New England on an otherwise conforming lot would create a hardship. The Board also found that the Variance could be granted without substantial detriment to the neighboring properties and the intent of the Zoning Bylaw. One member was opposed to finding all of the elements necessary for a variance.

**DECISION:** The Board voted four to one to GRANT a Variance to construct a 2-car garage to the left side of the house substantially as shown in the Plans presented with the Petition, provided that the garage be no closer to the lot line than 9.4 feet.

Appeals, if any, shall be made pursuant to G.L. 40A, Section 17 and shall be filed within twenty days after the date of filing of this Notice in the office of the Town Clerk.

Signed: , Clerk, John Sewell

Date: 2/1/24

Book: 70507, Page 579.

I hereby signify that twenty (20) days have elapsed since the filing of the above Decision by the Board of Appeals and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

True Copy Attest: \_\_\_\_\_ Town Clerk, Littleton, Massachusetts