



OFFICE OF THE
LITTLETON BOARD OF APPEALS
LITTLETON, MASSACHUSETTS 01460

Petitioner: EDWARD LEGENZA

Case No: 24-972

Date Filed: July 2, 2024

The Littleton Board of Appeals conducted a public hearing on July 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 north side of the existing house with a reduced side setback at 7 Checkerberry Lane, Littleton, MA. Notice of the hearing was given by publication in the Lowell Sun, a newspaper circulated in Littleton, on July 4, and 11, 2024 and by mail to all abutters and parties in interest. Present and voting: Sherrill R. Gould, Chairman, John Sewell, Clerk, and John Field, Members and Jonathan Vance, Alternate.

The Petitioner stated that the subject property is situated on the end of the cul de sac of Checkerberry Lane. The lot is 1.28+/- improved with a two story dwelling which conforms to zoning. The lot is long and narrow with the northerly lot line tapering and not parallel to the placement of the side of the house. Petitioner described that the garage cannot be located on the south side of the house since that is the location of the existing septic system and also cannot be located in the rear since it is wooded with a steep elevation change. The lot is in a residential district. The only area for a garage is north of the house and because of the lot line taper, the garage will be closer than the required 15 feet, with one corner of the garage approximately 3' from the sideline. The neighboring properties have 2 car garages and the petitioner stated that due to advancing age, risk of falls, and health issues, it has become foremost to plan for aging in place with a covered structure having direct access to the house and with room for yard equipment. The proposed garage shown is 24' x 26' which would result in a 3' side yard setback. The plans submitted show a 2- car attached garage connected to the house by a 3' to 7' +/- breezeway.

The Petitioner stated that these factors support the claim that the lot is unique in that the lot line was not parallel, 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 it is a large lot with similar properties, so it will not substantially derogate from the zoning bylaw's intent.

One abutter at 6 Checkerberry Lane, the lot to the north, appeared. He stated he has no problem with the petitioner and their friendship and no problem with a requested variance but asked the Board to consider the impact of whether construction and maintenance could be done without trespass with only a 3 foot offset; and whether the roof runoff would create a drainage or water problem for his yard.

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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, however, the while the garage was a needed improvement in New England, the breezeway was of lesser importance; that mudroom and coat hooks could be incorporated into the garage which is slightly oversized. With agreement from the Petitioner it was recommended by the Board that the breezeway be eliminated, thereby increasing the proposed side setback to 5' to 6', so that the Variance could be granted without substantial detriment to the neighboring properties and the intent of the Zoning Bylaw.

DECISION: The Board voted unanimously to GRANT a Variance to construct a 2 car garage to the north of the house substantially as shown in the Plans presented with the Petition, provided

1. That the breezeway shown on the plan be eliminated;
2. That the sideline setback be no less than 5 feet;
3. That the roof pitches away from the north property line with the pitch running front to rear.

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: 7/30/24

Book: 15638, Page 530.

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