

23 Taft Avenue

Armand Blanchette & May T. O'Donnell

09/19/87

DECISION: Variance granted to allow the petitioner to keep and maintain the existing shed and addition located near the petitioner's rear property line in its present location without complying with the set-back requirements on Lot 2, Assessor's Plan 9.

23 TAFT AVENUE

MARK BOUCHARD

10/13/20

DECISION: Petitioner requested an eight (8') foot variance from the front setback requirement to construct an attached garage. After receiving an opinion from Town Counsel, it was determined that the Petitioner would require a finding and not a variance as the single family home was pre-existing nonconforming as to the front yard setback (i.e. the structure is too close to the street).

Board members agreed that the project would not be substantially more detrimental to the neighborhood and that, due to the location of the septic system and well, there is no other location to construct the attached garage.

Motion made, seconded and voted unanimously to GRANT the finding that the proposed two-car garage is not substantially more detrimental to the neighborhood; and that the structure will be constructed pursuant to the plan submitted to the Board dated September 28, 2020.

6 Tee Lane

Jonathan Adams

12/27/06

DECISION: Appeal of Determination by Zoning Officer was denied based on the same grounds as the prior ZBA decision of 07/06/04 based upon the Building Inspector's decision of 11/20/03. This matter is currently in litigation.

7 Third Street

Christopher Desrosiers

04/27/16

DECISION: Special Permit was granted with conditions: the dogs will not be replaced as they pass away; until the number of dogs is down to six; the special permit will be for the nine dogs presently on the premises as currently licensed with the Town Clerk; the applicant will comply with all Board of Health regulations for the disposal of dog waste.

66 Third Street

Ronald Beshara

08/08/81

DECISION: Variance granted for Lots 52 & 69D, Assessor's Plan 76 with the stipulation that the house is to be constructed in its present location with the lowest floor level to be at 10.32' above the minimum sea level subject to the following conditions: 1) The petitioner must construct a three-foot, eight inch wide retaining wall of cement or rock or masonry construction with proper footings or anchoring; 2) The applicant shall submit a plan of the sea wall to the building Inspector and obtain the building Inspector's approval and building permit prior to construction of the wall; 3) A copy of the approved plan shall be filed with the Appeals Board by the applicant within fifteen days of the approval of the Building Inspector; 4) The applicant additionally shall obtain approval from the State Appeals Board for a variance from the State Building Code or certification from the State that no variance is necessary; 5) The "Cease and Desist" order is lifted in so far as it applies to any provisions of this variance.

Third/Cross Street

Isabella F. Christopher

12/07/95

DECISION: The application to place a trailer or mobile home on Assessor's Plan 76, Lot 48 was withdrawn by the petitioner. The Board voted unanimously to allow the withdrawal without prejudice.

Tickle/Chabot Street

Delphic Associates

06/06/01

DECISION: The application for a comprehensive permit for 87 single-family dwellings to be located on Tickle Road/Chabot Street as shown on Assessor's Plan 21, Lots 10, 10A, 11A and Map 22, Lots 23 & 24 was withdrawn without prejudice and the consultant fee still remaining

in his account may be used for a new application.

See Briggs Landing Decision online 09/11/06

Tickle Road (west side) **Robert T. Amedeo** **09/09/74**

DECISION: Variance granted to construct a garage on Lot 2N, Assessor's Plan 21 to be located on the southerly side of the premises, not less than six feet from the line of the adjoining way.

Tickle Road/Courtney Drive **Warren M. Messier** **06/26/95**

DECISION: The Board allowed the variance request for a single-family dwelling on Lot 11X, Plan 21 without meeting area and frontage requirements to be withdrawn.

DECISION 02/07/00: Therefore, on Tripp's motion, seconded by Keith, it was voted unanimously with Tripp, Keith, Coutinho, Lambert and Harrison voting in the affirmative to vacate the Cease and Desist Order issued by the Inspector of Buildings dated October 29, 1999 effective immediately. This decision of the Board imports no finding as to compliance or non-compliance with zoning requirements for construction of a single-family residence, nor with applicability of any other state or town laws, by-laws or regulations to activity on Lot 11X, including, without limitation, the Wetlands Protection Act and the Soil Conservation By-Law.

217-LS Tickle Road **Barbara Bastille-Rezendes** **01-19-11**

DECISION: The Board granted the requested variance showing a hardship of the lot being undersized and undevelopable per the Zoning Enforcement Officer; this proposal is not a detriment to the neighborhood; and approval of this variance does not derogate from the intent of the bylaw.

217-S Tickle Road **Randall/Kelly Medina** **09/08/97**

DECISION: Set-back variance granted for deck and stairway in accordance with the plan on file.

217-W Tickle Road **Michael & Pauline DePeitro** **05/21/81**

DECISION: Variance granted to allow the construction of a one bedroom, single family dwelling on Lot 32, Assessor's Plan 21A without meeting area and frontage requirements.

217-W Tickle Road **Christy Maltas** **08-26-09**

DECISION: Variance granted to allow the construction of a 16' x 16' addition due to the hardship of the size and shape of the lot, the location of the well and the septic tight tank; approval of this variance does not derogate from the intent of the bylaw. The following conditions are required: The addition to the residence will not be heated. The Northwest Boundary (reportedly 9-ft.) is not to be infringed upon by non-movable structures or plantings; leaving a safe egress for any safety personnel to access. This approval is subject to an "As Built" plan being drawn by an engineer and being submitted to the Building Inspector/Zoning Enforcement Officer. The plan is to clearly show the setback of the addition to the survey and marked on the southeast boundary line with no less than 5 ft. from the boundary line.

217-X Tickle Road **John Bevis** **05/11/82**

DECISION: Special permit granted to allow the newly constructed building to exist in its present location on Lot 33, Assessor's Plan 21A without complying with set-back requirements.

219L Tickle Road **John A. & Patricia A. Oliver** **02/12/97**

DECISION: Granted a variance from the Intensity Regulations to allow the petitioners to transfer Assessor's Lot 153 as shown on Map 20 and also shown as Lot 342 on a plan of land entitled, "Proposed Division of Land, Watuppa Avenue, Westport, Massachusetts, prepared for John A. & Patricia Oliver, Scale: 1" = 20', Dated February 5, 1997, NASR Land Surveyors

Inc." containing 15' of frontage and 750 sq. ft. of area to abutting owners Denise A. Andrade, Janine M. Carleton, and Marc A. Landry in accordance with the afore-mentioned plan on file with the Board of Appeals. This variance is conditional in that no further expansion of the footprints of the buildings will be allowed on the Oliver property or the Andrade, et als' property.

219L Tickle Road Gretchen Young/Juli-Ann Drozdowski 11/8/21

Petition of Gretchen Young and Juli-Ann Drozdowski for a finding that the expansion of the existing second floor to conform with other structures in the neighborhood will not be substantially more detrimental to the neighborhood than the existing non-conforming use, as mandated by Zoning Bylaw Section 5.2.3. The subject property is located at 219-L Tickle Road and is shown on Assessor's Map 20, Lots 145-148.

DECISION: The Board was in agreement that the project would be a major improvement, not only to the structure, but to the neighborhood; the footprint is not being altered; and that the expansion of the second floor will not be substantially more detrimental to the neighborhood than the existing non-conforming use. A Board member noted that the petition is for a 'Finding' that the proposed change is not more detrimental to the neighborhood. He stated that the petition should improve the property and have a positive impact on the neighborhood. He also noted that most of the homes in the area started out as summer cottages and have been remodeled into full time residences. He indicated that the Board is always in favor of improvement of properties, which will increase property values not only for the petitioners but for the community.

Motion made to GRANT the request for a finding that the expansion of the existing second floor to conform with other structures in the neighborhood is not substantially more detrimental to the neighborhood than the existing non-conforming use, with the following condition: Construction of the property shall be done in accordance with the evidence presented at the hearing, as well as the plans submitted with the petition and filed with the Town Clerk, namely: the survey plan dated October 24, 2012, the site plan dated February 8, 2021, and the construction plans dated May 19, 2021. The motion was seconded. The Board voted unanimously in favor to approve the finding.

219-S Tickle Road Robert D. & Karen Lariviere 10/16/91

DECISION: Variance granted to allow the construction of an addition with a one-foot overhang without meeting side line set-back requirements on Lot 132, Assessor's Plan 20.

231-A Tickle Road George C. Morin 03/21/89

DECISION: Variance granted to allow the construction of upper and lower decks to the existing dwelling house on Lot 70, Assessor's Plan 20 providing such decks are a minimum of two feet from the side line subject to the following: 1) The lower deck will be 4' X 7' and constructed substantially in accordance with the plan on file in the Appeals Board office; and 2) The present portion of the lower deck on the northwest corner of the building that is to be repaired or replaced shall not be allowed to be used for storage underneath such deck if such storage necessitates trespassing upon the abutter's property in order to remove or replace the stored items.

243 Tickle Road William Carpenter 04/30/14

DECISION: Variance granted; the area in which this property is located is consistent with many of the houses in general, which appear to have varying non-conformance with existing setbacks and partially, this resulted from a misunderstandings of lot lines, which with more modern surveys, there is to be some difficulties; the hardship related to this, is these folks built at the time with what they thought was existing boundaries but now the boundaries have changed. This is a basis for a hardship. Also, the request for an addition is a reasonable request in terms of size for the proposed addition and it will not create a detriment to the area and does not denigrate

from the intent of our bylaws. The plans and photos presented here tonight will be part of the permanent record and all building is to be in conformance with the submitted plans.

259E Tickle Rd

Wilton Ribeiro

11/19/2019

Decision: Applicant requests a finding that the proposed construction of a 26' x 38' second-floor addition will not be substantially more detrimental to the neighborhood than the existing non-conforming use, as mandated by Zoning Bylaw Article 4, Section 4.1.3. The subject property is located at 259E Tickle Road and is shown on Assessor's Map 20, Lot 89.

A motion was made to approve the request for a finding with the following conditions:

1. No variance is required per the Zoning Enforcement Officer.
2. Construction of the property will be done in accordance with the plans submitted with the petition and filed with the Town Clerk on September 27, 2019.
3. The structure will consist of no more than three (3) bedrooms.
4. There will be no further encroachments on setback requirements.

The motion was seconded, and the Board voted unanimously in favor to approve the Finding.

259-F Tickle Road

Lestor E. Pryor

08/27/93

DECISION: Variance granted allowing the construction of an addition with a maximum of twenty-four (24') feet in width to the petitioner's existing dwelling not to encroach beyond two (2') feet on the north side of the existing dwelling, including any chimney construction, subject to the following conditions: 1) The petitioner must retain the present set-back on the south side of the existing dwelling which is determined to be approximately eight (8') feet; 2) The petitioner must comply with all Board of Health and Conservation Commission rules and regulations; 3) The petitioner must maintain a minimum of one hundred (100') feet set-back from the road to protect the dwelling to the north and east of the petitioner's dwelling; 4) The roof eaves or overhangs may extend an additional twelve (12") inches maximum on each side; and 5) The petitioner must submit a final engineered plot plan showing the structure as proposed to be located on the lot delineating the set-backs on all sides to the Board of Appeals before obtaining a building permit.

259-H Tickle Road

Gary Bouchard

04/16/86

DECISION: Variance granted to allow the conversion of the garage building into a single family dwelling upon the following conditions: 1) The conversion of the garage building into a dwelling unit be completed and the petitioner must vacate the old house within six months of the expiration of the 20 day appeal period (which would be October 17, 1986); and 2) The old house must be demolished and/or removed from the premises within 21 days of the petitioner receiving his occupancy permit for the new dwelling unit, or October 17, 1986, whichever is sooner.

283 Tickle Road

Constance Cuqua

09/07/00

DECISION: The Board voted to allow the petitioner to withdraw without prejudice, an application for a set-back variance to rebuild a shed.

334 Tickle Road

Joseph & Maria Faria

04/06/16

DECISION: The Board allowed petitioner to withdraw without prejudice their application for a variance.

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| 348 Tickle Road | Judith Brodie | 12/18/96 |
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DECISION: Variance granted to allow petitioner to construct the proposed addition and deck no closer than 4 ft. from the side lot line.

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| 368 Tickle Road | Antonio & Maria S. Pavao | 02/28/97 |
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DECISION: Vote to deny a variance for set-back of 2.1 feet from the existing structure to the side lot line. Voted unanimously to make a finding that under the provisions of Chapter 40A, Section 7, the structure cannot be removed because it has been over ten years since the commencement of the violation and, further, the Inspector of Buildings in a letter dated January 30, 1997 indicated the violations have been corrected and meet the code.

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| Town Avenue (southwesterly side) | James & Nancy Laird | 04/17/79 |
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DECISION: Variance granted to allow the renovation and modernization of a portion of the so-called ice house on Lot 88E, Assessor's Plan 89 into a separate guest house subject to the following conditions: 1) Such guest house to be used for non-paying guests only; 2) Such guest house shall be seasonal and used only during the period from May 1st to November 1st; 3) there shall be no further subdivision of the lot and no additional family units added.

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| 21 Tripp Drive (southeast corner) | Antone Medeiros | 04/19/72 |
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DECISION: Variance granted to construct a single family dwelling using a setback of 16 feet on Lot 38 located on the southeast corner of Tripp Drive and a proposed way.
