
Washington Street **Edward M. & Louise A Pollard** **06/06/94**

DECISION: Variance granted allowing the construction of a one-family dwelling on Lots 1061-1074 as shown on Assessor's Map 11 and described as Lots 1-14, Section 56, on plan entitled "Railroad Park" recorded in Plan Book 3, Page 1 without meeting frontage and area requirements.

Washington Street **William A. Smith** **05/28/69**

DECISION: Building permit granted to construct a single family dwelling on Lot 7F and 7H, Assessor's Plan 6.

86 Washington Street/ Harrison Street **Beatrice Hamer** **11/08/71**

DECISION: Variance denied to construct a single family dwelling due to a lack of any practical difficulty or unnecessary hardship and it would also create two substandard sized lots.

100 Washington Street **Mary Cowen** **10/16/85**

DECISION: Variance granted to allow the construction of a 16' X 32' addition to the existing dwelling in accordance with the plan presented under the express condition that the entrance remain on Tyler Street and the addition be annexed in keeping with the existing dwelling on Lots 1215-1231, 1236-1252, 1232-1253, Assessor's Plan 11.

142 Washington Street **William & Mary Smith** **12/10/82**

DECISION: Petitioners allowed to withdraw their application for a variance to continue to use Lots 7A & 7H, Assessor's Plan 6 as a single family dwelling in as much as this was built prior to zoning without prejudice.

76 Watuppa Road **Jeffrey & Elaine Veloza** **06/18/84**

DECISION: Petition for a variance to allow an addition approximately 5' X 6" from the side lot line on Lot 26C, Assessor's Plan 19 allowed to be withdrawn without prejudice.

86 WATUPPA ROAD **MARK C. TOWERS** **1/26/21**

DECISION: Petitioner requested a variance from Zoning Bylaw Article 7 so that the lot in question is considered buildable, having 48,055.5 square feet of area and frontage of 150 feet. The Board discussed whether there is enough evidence to support the requirements under the bylaw to grant a variance. The Board determined that erroneous property lines would be corrected, and that (1) this lot is not buildable due to surveyor/developer error, whether intentional or not; (2) there has been significant amount of litigation over the years to resolve this issue; (3) the variance would not inconvenient or impose an issue to abutters; and (4) there was a significant financial hardship with expense of legal fees.

Findings: (1) Although the Town was unaware of the errors caused by the developer and the surveyor, the Town nevertheless is as culpable as it approved the plan showing erroneous property lines; (2) These buyers have been in contentious litigation for about 14 years; (3) Lot 4 looks like a perfectly fine lot for building a house and comports with other lots in the neighborhood; and (4) granting of the variance and determining that Lot 4 is a buildable lot would be the appropriate remedy.

Motion made by Mr. Coutinho to grant the application for a variance based on all the information and documents submitted to the Board; the errors in lot lines were not the fault of the Petitioner or the abutting owners; the Petitioner purchased the lot with the understanding that it was a buildable lot; and the hardship was the direct cause of the surveyor and/or developer. Chairman Menard seconded the motion, which passed by unanimous vote with each member of the Board voting aye in a roll call.

141 West Beach Road Henry Travis 05/06/83

DECISION: Variance denied to allow the use of the premises for a single family dwelling without meeting area and frontage requirements on lot 141, Assessor's plan 76A on the basis that the petitioner failed to demonstrate and/or prove conditions that especially affected the land, but not affecting generally the zoning district in which it is located which would prove a substantial hardship under the provisions of Massachusetts general Laws, Chapter 40A. Additionally, the petitioner failed to prove that the granting of a variance would not nullify or substantially derogate from the intent and purpose of the By-Laws. The Board also determined that the petitioner purchased the property in 1981 when the Town's By-Laws were more stringent than the current Town By-Law now in effect.

147 West Beach Rd Reisa Sperling & Keith Johnson 4/17/2019

DECISION: Applicant requests a finding that the proposed new home will not be substantially more detrimental than the existing structure, said existing structure being non-conforming as to side and front yard setback, pursuant to the allowances found in 4.1.2 et seq. The property is located at 147 West Beach Road, Westport, MA and is shown on Assessor's Map 76A, Lot 147.

Motion made, seconded, and voted unanimously to approve the application for a finding that the proposed new home will not be substantially more detrimental than the existing structure with the following conditions;

1. No increase in grade.
2. The maximum height of the structure will be less than 40 feet.
3. The structure to meet all flood zone requirements.
4. The applicants must obtain appropriate approvals from the Board of Health.
5. That the entire project is in conformance with the plans filed with the town Clerk on March 15, 2019, as well as the photographs submitted to the Board on April 17, 2019.
6. Pursuant to the allowances found in Zoning Bylaw 4.0.2 et seq. as to property located at 147 West Beach Road, Westport, MA, shown on Assessor's Map 76A, Lot 147.

William Street Gertrude B. Bassett 09/23/66

DECISION: Variance granted to construct a single family dwelling on William Street.

30 William Street Louise Carvalho 09/02/94

DECISION: Variance granted to allow accessory apartment on the first floor by constructing a second floor addition 28' X 42' in accordance with the plan on file with the Appeals Board.

3 Windward Way

John & Katharine Preston

06/09/87

DECISION: Variance and/or finding requested to allow the alteration and extension to the existing single family dwelling and guest house on Lots 70 & 71, Assessor's Plan 83. Variance and/or finding denied on the determination that a variance was required to be in compliance with zoning and further determined that the petitioners failed to demonstrate that a substantial hardship existed, or if a hardship did exist, it was created by the petitioners themselves due to the fact the petitioners did own in excess of 82,000 square feet of area prior to the re-subdivision of the property in 1986 and further failed to demonstrate that the requested variance would not derogate from the intent and purpose of the By-Laws.
