

TOWN OF HOLLISTON
ZONING BOARD OF APPEALS

TOWN HALL

HOLLISTON, MASSACHUSETTS 01746

APPLICATION FOR GRANT OF A DIMENSIONAL VARIANCE

Date Filed: March 31, 2021

Applicant's Name: Kevin and Ashleigh McShane

Applicant's Address: 37 Roy Avenue, Holliston, MA 01746

Applicant's Phone Number: _____

Owner's Name: Kevin and Ashleigh McShane

Owner's Address: 37 Roy Avenue, Holliston, MA 01746

The Owner hereby appoints Peter R. Barbieri, Esquire to act as his/her/its agent for the purposes of submitting and processing this application for a variance.

The Owner's title to the land that is the subject matter of this application is derived

under deed from Kevin McShane, dated November 13, 2009

And recorded in Middlesex/South Registry of Deeds, Book 53855, Page 388

Or Land Court Certificate of Title No. _____, registered in

District Book _____, Page _____

The land is shown in the Assessor's records as Lot 05 on Map 11, Block 8

And has an address of or is located at 37 Roy Avenue

in the A.R.B. zoning district.

Nature and subject matter of Variance (Please state the section of by-law from which you are seeking relief, the required standard and your proposal.) :

Front Yard Setback

Side Yard Setback

Zoning Information and Comments (To be completed by Inspector of Buildings):

I-C 3.2 Increasing and creating new nonconformity
Increasing floor area more than 50% and encroaching front
+ side and back. I would ask for better plans. Can't
The Applicant presents the following evidence that supports grant of the 1st 2nd 3rd
dimensional Variance: on the performance

a. Literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise, owing to circumstances related to the following unique physical characteristics of the land (1. soil condition, 2. shape or 3. topography of land or structures):

See Attached.

b. If this variance is allowed it will create no substantial detriment to the public good because:

See Attached.

c. If this variance is allowed, it will not nullify or substantially derogate from the intent and purpose of the zoning bylaw because:

See Attached.

d. Will the proposed use include the storage or process of any hazardous substance?
Yes ___ (Please attach additional information.) No ☒ X

Applicant's Signature: _____

Owner's Signature: Karen McElroy

MEMORANDUM IN SUPPORT OF APPLICATION FOR DIMENSIONAL VARIANCE

The Property at 37 Roy Avenue was created in 1956 prior to the amendment of the Zoning By-Law establishing the current dimensional requirements for lots within the Agricultural Residence B Zone (“ARB” Zone) in which the Property is located. The lot (Lot 5) when created consisted of 25,974 square feet with one hundred (100) feet of frontage, which conditions have not changed. The lot is, therefore, non-conforming, as lots within the ARB Zone are required to have forty thousand (40,000) square feet and one hundred eighty (180) feet of frontage.

The dwelling on the Property was constructed in 1961 based upon Assessor’s records prior to today’s setback requirements. The dwelling is located just over thirty-two (32) feet from the street. The steps to the dwelling are located less than twenty-seven (27) feet from the street. This makes the property non-conforming with the front setback of forty (40) feet. The dwelling is setback less than twenty-nine (29) feet from the westerly property line and, therefore, is non-conforming with the thirty (30) foot side setback requirement. The location of the dwelling was dictated by the location of the drainage easement which dissects the lot and the requirements for the installation of the septic system (located behind the dwelling). Due to the ground water in the area, the dwelling is raised requiring two (2) steps to enter the home.

The Applicants seek to expand the dwelling, however, due to the restrictions applicable to the Property, the expansion cannot be located outside of the required forty (40) foot front setback or the thirty (30) foot side setback. The location of the expansion is also limited due to the drain easement affecting the lot, as well as the existing construction (elevation and location of the dwelling, septic system and driveway (east side of dwelling)); thereby, leaving the only location for the expansion to be in the front of the dwelling with minor encroachments along the west side.

The dwelling is presently one story in height with approximately half of the front of the dwelling located approximately one foot back from the easterly side of the dwelling. The proposed expansion includes the construction of a complete second floor addition, as well as the squaring off of the dwelling, and a four (4) foot front entry expansion. The area of the building expansion within the setback is approximately seventy-two (72) square feet (four (4) foot building and

squaring of dwelling expansions). In addition, a new front porch extends the front of the dwelling an additional four (4) feet closer to the street. The area of the front porch expansion is approximately fifty-two (52) square feet. In addition, a standard step is needed to allow entry via the step and the front porch into the existing elevation of the dwelling. Upon completion of the improvements, the setback to the step will be 22.8 feet, as compared to the existing setback to the step of 26.7 feet from the street. The total area of the new encroachment of the setback is less than one hundred thirty (130) square feet, which is less than three percent (3%) of the total area of the front setback (110 feet × 40 feet).

The encroachments within the side setback include an encroachment for the installation of a fireplace in the living room. The fireplace encroachment has a depth of approximately one and one-half (1½) feet and has a width of approximately five (5) feet. The new setback to the fireplace wall will be 27.1 feet, as compared to the current setback of the dwelling which is 28.2 feet. A set of steps is also being provided to provide access to the basement, which results in an encroachment for the steps to the basement into the setback. The area of the encroachment for the steps within the setback is approximately four and one-half (4½) feet by five and one-half (5½) feet for a total area of the sunken steps within the setback of less than twenty-five (25) square feet. The encroachment to the side setback will also include a very small portion of the deck to be added to the rear of the dwelling. The deck is proposed at 29.6 feet from the property line and has a width of sixteen (16) feet. Accordingly, there will be approximately an eight (8) square foot encroachment into the side setback for the deck. The total side setback encroachment is less than forty-three (43) square feet, which represents less than seven percent (7%) of the setback area based upon the building sideline (25 feet × 30 feet).

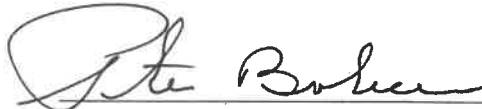
As noted, the Property is affected by a drainage easement, ground water, the location of the septic system, the creation of the lot and dwelling prior to the Res. District B Zoning Requirements and the elevated construction of the dwelling. These conditions, as well as the lot size, only 25,974 square feet, along with the non-conforming frontage/width make the Property unique as compared to other properties. Most of the other lots on Roy Avenue either have more area, greater frontage/width or are not impacted by drainage easements.

The granting of the requested relief will authorize the expansion of the Property consistent with most of the dwellings on Roy Avenue in a manner that is not substantially detrimental to the public good. As noted, the expansions within the setback area are minor in comparison with the overall area within the setback. The minor area also includes the step area and the unenclosed deck and front porch.

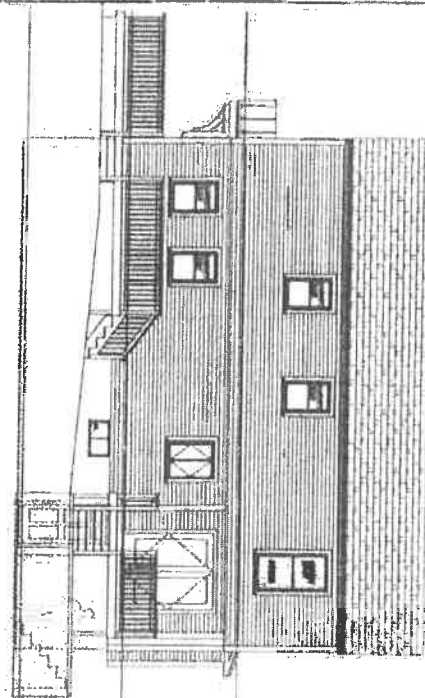
The granting of the requested relief, therefore, does not substantially surrogate from the intent of the By-Law and will allow for the single-family use of the property in a manner which is consistent with the already established single-family dwellings on Roy Avenue.

Respectfully submitted,

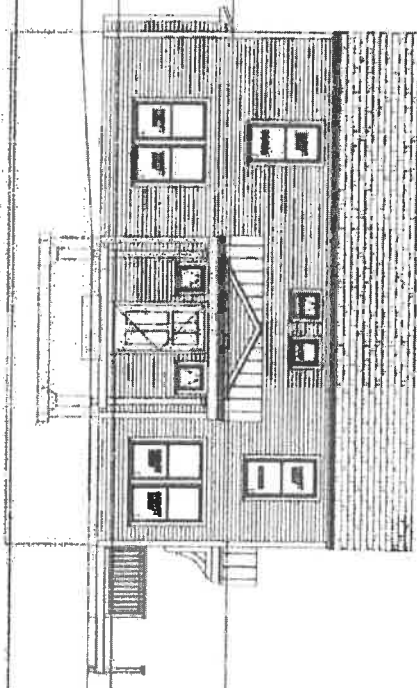
KEVIN McSHANE and ASHLEIGH McSHANE
By their Attorney

A handwritten signature in dark ink, appearing to read "Peter R. Barbieri", is written over a horizontal line.

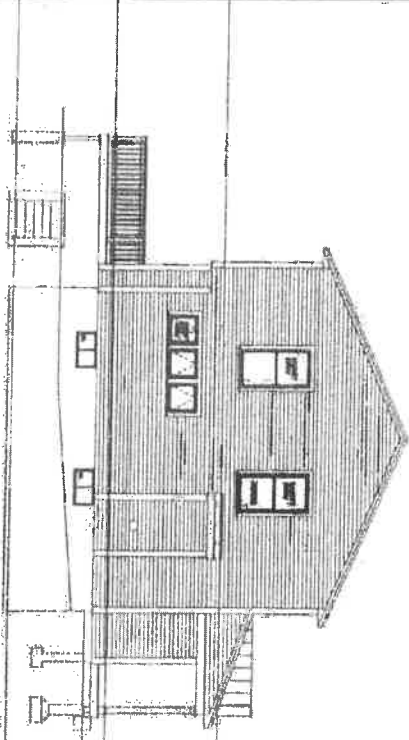
Peter R. Barbieri, Esquire
Fletcher Tilton PC
161 Worcester Road, Suite 501
Framingham, MA 01701
Direct Phone: 508-532-3517
Direct Fax: 508-532-3117
Email: pbarbieri@fletchertilton.com



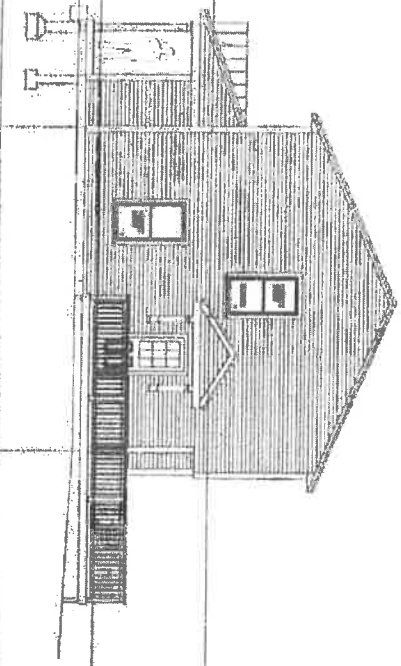
PROPOSED REAR EXTERIOR ELEVATION



PROPOSED FRONT EXTERIOR ELEVATION



PROPOSED RIGHT EXTERIOR ELEVATION



PROPOSED LEFT EXTERIOR ELEVATION

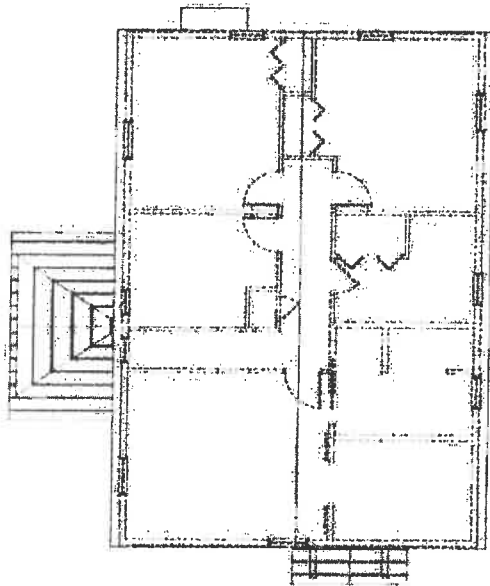
PROPOSED ALTERATIONS FOR SONING BOARD OF APPEALS 02-04-01- CLIENT REQUESTED CHANGES 02-12-01

A.3	PROPOSED EXTERIOR ELEVATIONS	Scale	McShane Residence Roy Avenue Holliston, MA
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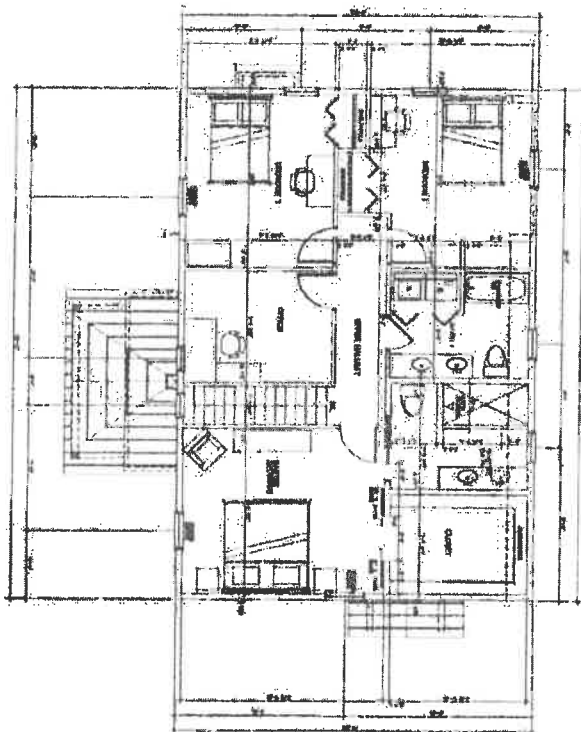


 1928
Rodentiser Builders
 70 Madison Drive
 Framingham, Massachusetts 01901
 508-881-0001
 FAX 508-881-0002
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PROPOSED ROOF PLAN



PROPOSED SECOND FLOOR PLAN



PROPOSED ALTERATIONS FOR ZONING BOARD OF APPEALS 09-04-05- CLIENT REQUESTED CHANGES 04-10-11

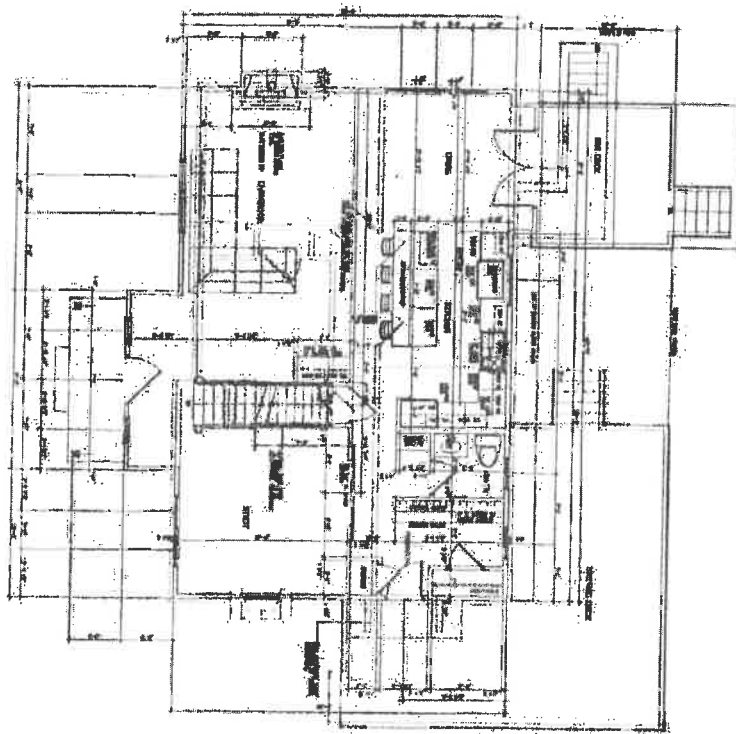
A.2

SECOND FLOOR PLAN
ROOF PLAN

McShane Residence
Key Avenue Holliston, MA

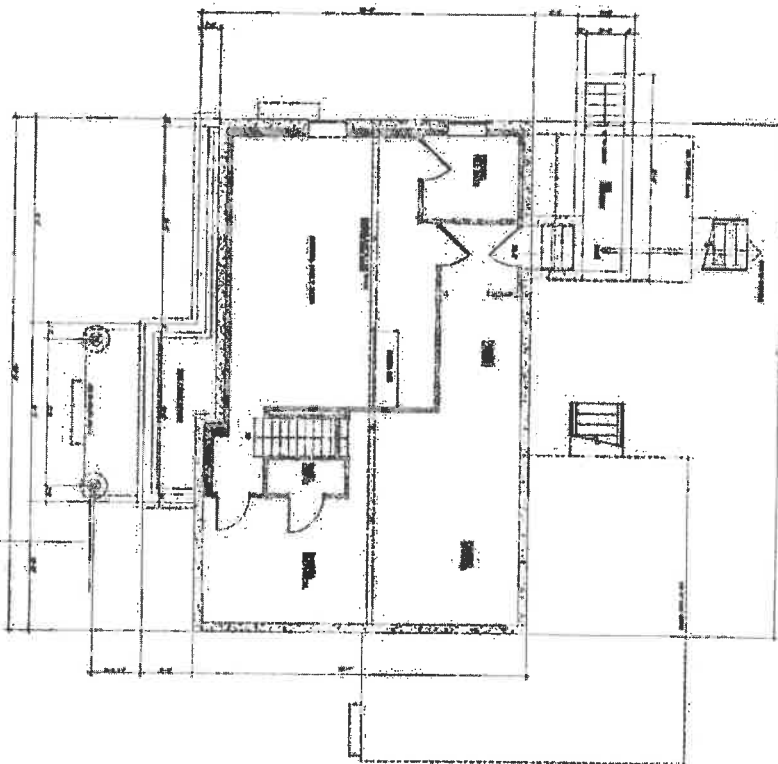
Redenbiser
Builders
1928
700 Main Street
Holliston, Massachusetts 01946
(508) 881-1111
www.rendenbiser.com





PROPOSED FIRST FLOOR PLAN

KEY TO WORK:
 - Existing and existing to be retained
 - Proposed work to be added
 - Proposed work to be removed



PROPOSED BASEMENT FLOOR PLAN

KEY TO WORK:
 - Existing and existing to be retained
 - Proposed work to be added
 - Proposed work to be removed

PROPOSED ALTERATIONS FOR ZONING BOARD OF APPEALS 91-05-11- CLIENT REQUESTED CHANGES 02-12-11

A.1

FDN. / BSMT PLAN
 FIRST FLOOR PLAN

McShane Residence
 Roy Avenue Holliston, MA

928
 Rodenhiser
 Builders
 1000 Main Street
 Holliston, Massachusetts 01746
 508-435-4333
 508-435-4331
 928 Main Street

