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TOWN OF HOLLISTON  
ZONING BOARD OF APPEALS  
TOWN HALL  
HOLLISTON, MASSACHUSETTS 01746

APPLICATION FOR GRANT OF A DIMENSIONAL VARIANCE

Date Filed: 7/25/23  
Subject Address: 44 Marilyn Street, Holliston, MA 01746  
Applicant's Name: 44 Marilyn Street, LLC, Joshua & Ashley Bouch  
Applicant's Address: 44 Marilyn Street, Holliston, MA 01746  
Applicant's Email: joshua.jaye.b@gmail.com  
Applicant's Phone Number: 401-523-7061  
Owner's Name: 44 Marilyn Street, LLC, Joshua & Ashley Boucha  
Owner's Address: 44 Marilyn Street, Holliston, MA 01746  
The Owner hereby appoints Stephen J. Kenney to act as  
his/her/its agent for the purposes of submitting and processing this application for a  
variance.

Applicant's Signature: [Signature]

Owner's Signature: [Signature]

The land is shown in the Assessor's records as Map 9 Block      Lot 7

Registry of Deeds Recording Information: Book 80146 Page 5 L.C. Y/N?

Zoning Information and Comments (To be completed by the Building Commissioner):

Zoning District:

Agricultural Residential District B

The Applicant is seeking to build two additions  
on either side of the pre existing non conforming  
structure, both additions will encroach further  
on side set backs making it more non conforming  
regarding its dimensional variance.

Nature and subject matter of the Variance The section of Zoning By-Law from which the Petitioners are seeking relief is Table IV-B, Schedule of Intensity Regulation, and specifically area from 40,000 sq. ft. to 17,444 sq. ft., frontage from 180 ft. to 100 ft, side yard setback requirement from 30 ft. to 11.3 ft. on the southerly side of the structure and 16.2 ft. on the northerly side of the structure. Also, seeking relief pursuant to Section I-C 3.2 which provides that the change of a non-conforming structure in such a manner as to increase an existing non-conformity shall require the issuance of a dimensional variance. The subject lot is a pre-existing non-conforming lot with a pre-existing non-conforming structure lying upon it. The presently pre-existing non-conforming structure is non-conforming in side yard requirements in that the southerly side in the presently existing structure is 16.2 feet from the side lot line where 30 feet is required and on the northerly side in the presently existing structure 29.5 feet from the side lot line where 30 feet is required. Additionally, the subject lot is a pre-existing non-conforming lot in that it contains 17,444 square feet where 40,000 square feet is required and 100 feet of frontage where 180 feet is required.

The Applicant presents the following evidence that supports the grant of the dimensional Variance:

- 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):

As stated prior, the presently existing lot and structure are pre-existing non-conforming with the present structure having been built in 1969. The Petitioners have owned the land and home since 2013. The Petitioners now wish to add an addition to the southerly side of the structure as well as to the northerly side of the structure in order to raise their young family. One of the Petitioners is a schoolteacher in the Town of Holliston school system and the other Petitioner is a FBI Special Agent. The Petitioners have two young children, one being 7 months old and the other being 3 years old. The literal enforcement of the provisions of the zoning by-law, and specifically the dimensional requirement of the lot, as well as the setback requirements for side yard would involve substantial hardship, financial or otherwise, in that the Petitioners would not be able to raise their young family in the presently existing structure in a manner that would allow them to comfortably do so. The presently existing structure is somewhat small for the Petitioners' needs at this time. It is the shape and size of the lot that necessitates the need for zoning relief in the form of a special permit for a pre-existing non-conforming structure and lot as well as the need for a dimensional variance pursuant to the Town of Holliston zoning by-law Section I-C 3.2. Petitioners submit that going from 16.2 feet from the southerly sideline to 11.3 feet is not a substantial derogation from the side yard requirements and that going from 29.5 feet to 16.5 feet, again, is not a substantial derogation from the zoning by-law requirement that would greatly impact the abutters or the general zoning district.

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

The allowance of the variance will simply allow the Petitioners to make additions to their residential home to allow their family to grow. It will continue to be a single-family residence and will only be 4.9 feet closer to the side lot line on the southerly side of the structure and 13.3 feet closer to the side lot line on the northerly side of the structure. Otherwise, the structure will continue to be in conformity with front yard setbacks, and rear yard setbacks. Also, the fact that this is a pre-existing non-conforming lot does not allow the Petitioners to build in any other manner. There will be no substantial detriment to the public good if the variance is allowed as the zoning by-law contemplates such situations in it's pre-existing non-conforming structures and lots section.

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

The intent and purpose of the zoning by-law is to allow for the addition to single-family residences where the single-family residence is built upon a pre-existing non-conforming lot and is presently a pre-existing non-conforming structure. Section I-C 3 provides for different scenarios in which a single-family structure can be built upon and added to where it lies upon a pre-existing non-conforming lot and is a pre-existing non-conforming structure. The Petitioners submit that this is the exact type of situation that the zoning by-law contemplates in Section I-C 3 in that the allowance of such a variance would not nullify or substantially derogate from the intent and purpose of the zoning bylaw.