

RECEIVED

2018 OCT 17 A 8:25

TOWN CLERKS OFFICE  
LYNNFIELD, MA

Petition  
TOWN OF LYNNFIELD  
ZONING BOARD OF APPEALS

Name of Petitioner Laurenco Cavminati  
Address 441 Medford st, Malden -MA- 02148

Address of Property which is the subject of the  
Petition 68 Highland Ave

1. Indicate and describe relief being sought by this petition:  
(check appropriate box)

- |                                     |                                       |            |
|-------------------------------------|---------------------------------------|------------|
| <input type="checkbox"/>            | A. Appeal Decision made by _____      | Date _____ |
|                                     | Bldg. Inspector, Planning Board, etc. |            |
| <input checked="" type="checkbox"/> | B. Apply for a Variance               |            |
|                                     | <u>Addition set back relief</u>       |            |
| <input type="checkbox"/>            | C. Apply for a Special Permit         |            |
| <input type="checkbox"/>            | D. Other (specify)                    |            |

2. Specify Zoning Bylaw Sections(s) from which you desire relief:

10.8 Set Back  
Relief cannot be granted at this hearing for any condition or bylaw not stated above

3. With respect to Land under consideration:

A. Its Area 5000 square feet, street frontage 50' feet

B. District Zone (see Bylaws) RA

C. Deed Record: Registry of Deeds \_\_\_\_\_  
Book 17266 Page 395 (see tax bill)  
Or Land Court \_\_\_\_\_  
Book \_\_\_\_\_ Certificate \_\_\_\_\_  
Map \_\_\_\_\_ Parcel \_\_\_\_\_

4. Ownership

A. Name, Address of Owner(s)

Jack Ring (John W. Ring) 68 Highland Ave.  
Lynnfield MA 01940

B. If applicant is not owner, check the interest in the premises, and attach evidence of such interest.

Prospective Buyer: \_\_\_\_\_

Lessee: \_\_\_\_\_

Other (explain) Contractor

5. The undersigned petitioner affirms the foregoing statements are true statements of fact:

Signed John W. Ring Street and Number 68 Highland Ave  
Town/City Lynnfield State MA Phone No. 017 306 1812  
Assessors Clerk \_\_\_\_\_ Date \_\_\_\_\_

6. A check payable to the Town of Lynnfield shall be delivered to the Board of Appeals, Town Hall, Lynnfield, MA 01940 for the proper amount indicated in the above fee schedule.

7. The Application and fee shall be submitted to the Town Clerk at least four (4) weeks prior to date of the hearing.

8. Public Hearings are normally scheduled for the 1<sup>st</sup> Tuesday of each month

**Petitioner not to write below**

.....  
Petition reviewed by Building Inspector for completeness \_\_\_\_\_  
Received and Stamped by Town Clerk \_\_\_\_\_  
Entered with the Board of Appeal \_\_\_\_\_  
Fees actually paid \$ \_\_\_\_\_  
Advertised in \_\_\_\_\_  
Parties of interest mailed notices \_\_\_\_\_  
Hearing Date \_\_\_\_\_

**1. Zoning: RA**

**2. The purpose of this plan is to show a proposed new addition to an existing dwelling.**

**3. REFERENCES USED:**

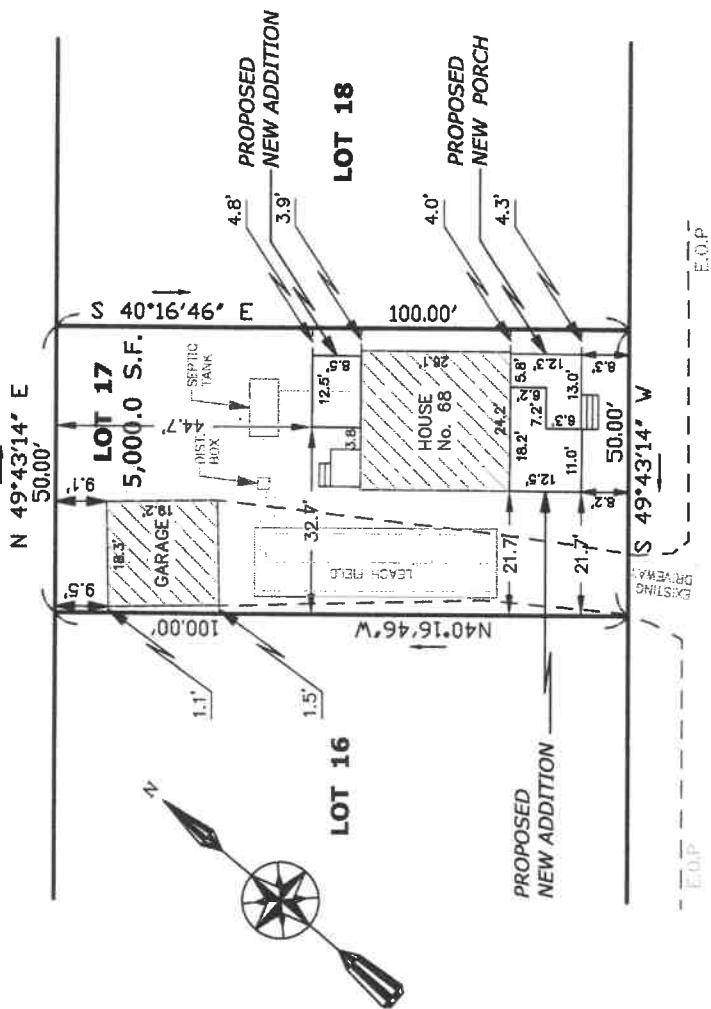
- Assessor's Parcel ID # 35-00-917
- Deed Book: 17266 - Page: 395
- Plan Book: 6 - Plan: 27 (Lot # 17)
- (Recorded at the Essex County S. District Registry of Deeds)

**4. THIS PLAN IS BASED ON AN "ON GROUND" SURVEY.**

TOTAL LOT AREA = 5,000.0 S.F.  
 EXISTING DWELLING FOOTPRINT = 675.0 S.F.  
 EXISTING GARAGE FOOTPRINT = 352.5 S.F.  
 EXISTING DRIVEWAY AREA = 982.0 S.F.

PROPOSED ADDITION FOOTPRINT = 288.5 S.F.  
 PROPOSED PORCH FOOTPRINT = 133.5 S.F.

PROPOSED LOT COVERAGE = 28.99 %  
 PROPOSED OPEN SPACE = 51.37 %



**HIGHLAND AVENUE (40')**

**SITE PLAN**  
 Showing a proposed new addition  
 to an existing dwelling

68 HIGHLAND AVENUE, LYNNFIELD, MA.

Prepared for: John W. Ring & Laura Ring  
 Surveyed by: Michel G. El-Ashkar, PLS

Scale: 1"= 20 ft. Date: August 1, 2018

GRAPHIC SCALE



**Ashkar**  
 Surveying & Engineering  
 Suite 306  
 Haverhill, MA 01832  
 ph: (978) 914-6527  
 fax: (978) 914-6528  
 www.ashkarsurveying.com

PETTITION TO THE ZONING BOARD OF APPEALS  
TOWN OF LYNFIELD

Petitioner: Jack & Laura Ring  
Address: 68 Highland Ave  
Agent: Lourenco Carminati (Contractor)

To the Board Members;

**The Petition:**

The Petitioner is seeking to expand his current home with a front and back addition. To the front is proposed a enlargement of the current porch foot print to accommodate a new office space and front entrance. To the back, a addition of to accommodate a new half bathroom and laundry.

**1.0. Violations:**

- 1.1. The petitioner residence is located on the zoning District RA; the residence will fall under the category single home residence A;
- 1.2. The proposed additions will violate zoning ordinance 10.8, Set Back and yards;
- 1.3. The front proposed front addition, which measures 24' x 12' & 5" will violate front yard set back. The proposed addition will be at 8' & 3" from the front property Line. That will be a addition 4' from the current foot print. The current allowable set back is 30'. Its worthy noting that the existing structure is already violating the set back;
- 1.4. The proposed front addition will also violate side yard set back, the proposed addition will be at 4' & 3" from the side property line. The allowable set back is 15'. The side set back will be in the same distance as existing condition. Its worthy noting that the entire existing structure is in violation of the side set back;
- 1.5. The proposed back addition, which measures 8' & 5" x 12' & 5". The proposed addition will be built 44' away from the rear property line and

will not violated rear yard depth set back, which required a 20' rear yard depth;

1.6.The proposed rear addition will be built 4'8" from the side property line. The required side yard set back is 15'. The rear proposed addition will violate side yard set back. Its worthy noting that the existing home is 3'9" away from the property line, which is already in violation of current set back;

**2.0.Lot Coverage violation:**

2.1.The permitted lot coverage for District RA, single residence A is 35%;

2.2. As per the survey attached to this application the proposed lot coverage including all structure is 28.99% , thus the proposed additions DO NOT VIOLATE THIS ORDINANCE

**3.0.Substantial Hardship, Financial and otherwise to the Peitioner:**

3.1.The Petitioner has lived on this location for over 17 years;

3.2.The Home is 1000 square feet, 2 bedroom and 1 bathroom;

3.3. The Petitioner has raised his/hers 2 sons in this home, needless to say they are now running out of space.;

3.4.The Petitioner has tried twice in the past 5 years to sell the house, first attempt receive no offers, second attempt two offers did not complete the sale;

3.5. The Petitioner went through some renovations in order to have the house suitable for sale;

3.6. Real state Brokers claim that the home is too small to attract potential buyers, as its clear to them they will soon outgrown the space. To make matters worst, a few years ago a home was built on the left side of my property only 6 inches away from my lot line. Since my home is only 4 feet away from the lot line, having the neighbor right on top of my home certainly made my home even less appealing for sale;

3.7.The petitioner has exhausted all attempts to sell the home, having both selling experiences timing consuming and expensive;

3.8. With both petitioner's sons now being very tall teenagers, the lack of space is becoming a quality of life issue;

3.9. The home first level consists of three small rooms (living room, dining room and kitchen), second level with just 2 small bedrooms and 1 bathroom to share with the family;

3.10. The petitioner work requires that he works from home on occasion, with the current set up its impossible to have a quiet space that allows that;

3.11. The only solution to the petitioner hardship was to refinance the home in a attempt to expand it;

3.12. The petitioner has looked into expanding the home upwards , but engineer advised against that due to a lack of structure integrity. The cost to go up would render the project impossible;

3.13. Expanding to the back is also problematic since the septic system takes most of the backyard;

3.14. to the right of the property also cant be built since the leach field is under the driveway;

3.15. The petitioner has looked into every possibility to expand the home, expanding to the front is really the only solution. It worthy noting that the front proposed addition expands only four feet in comparison to the existing porch;

3.16. the back addition with the half bathroom is the only place I can add a bathroom, the home is small as it is, and there is no real possibility to where I could add a bathroom in the existing floor plan without dramatically interfering with the already small space;

3.17. The petitioner has exhausted all possible options to remedy the situation. The petitioner is confident this is the best possible solution to the hardship at hand;

#### **4.0 The granted relief won't be in detriment to the public good.**

4.1. The proposed front addition will be enlarged by only 96 square feet of the existing porch. From the existing foot print , only a area of 4'x24" will be added. The changes to the existing exterior layout will be meaningless;

4.2. The back addition will respect the rear yard set back, the window will face the back yard, not interfering with the neighbors privacy;

4.3 The existing structure almost in its entirety is already in violation of the set back, as is it does not represent a detriment to the public good;

The added living space will not represent a substantial detriment to the public;

4.4. The granted relief of this zoning violations won't nullify or substantially derogate from the intent or purpose of the ordinance or by law;

For all the reasons stated above, the petitioner requests relieve of the zoning violations in good faith.

Lynfield, October 14, 2018.

Lourenco Carminati  
Contractor/petitioner agent