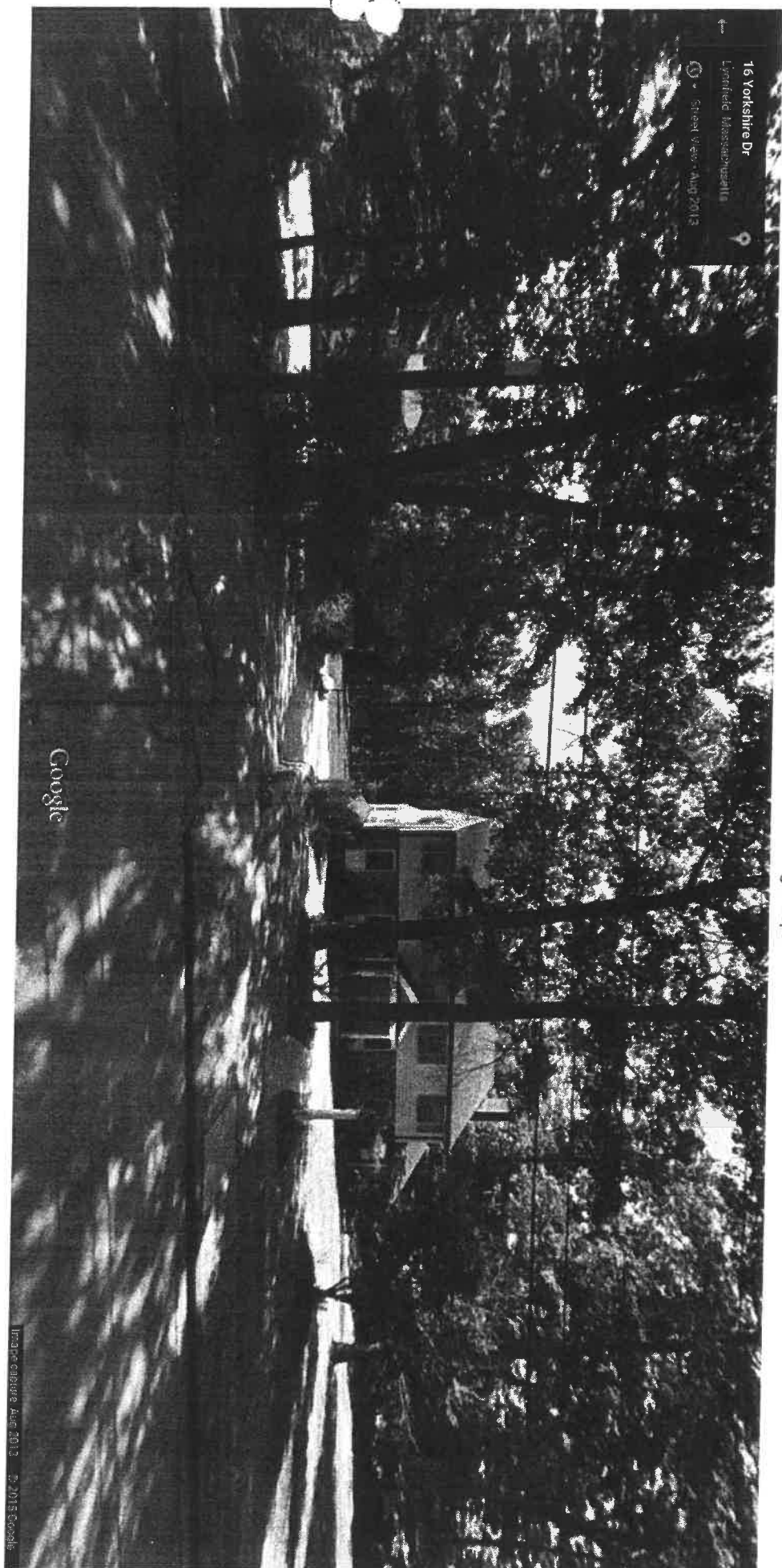


Lynnfield, MA  
 1 Inch = 320 Feet  
 April 10, 2015

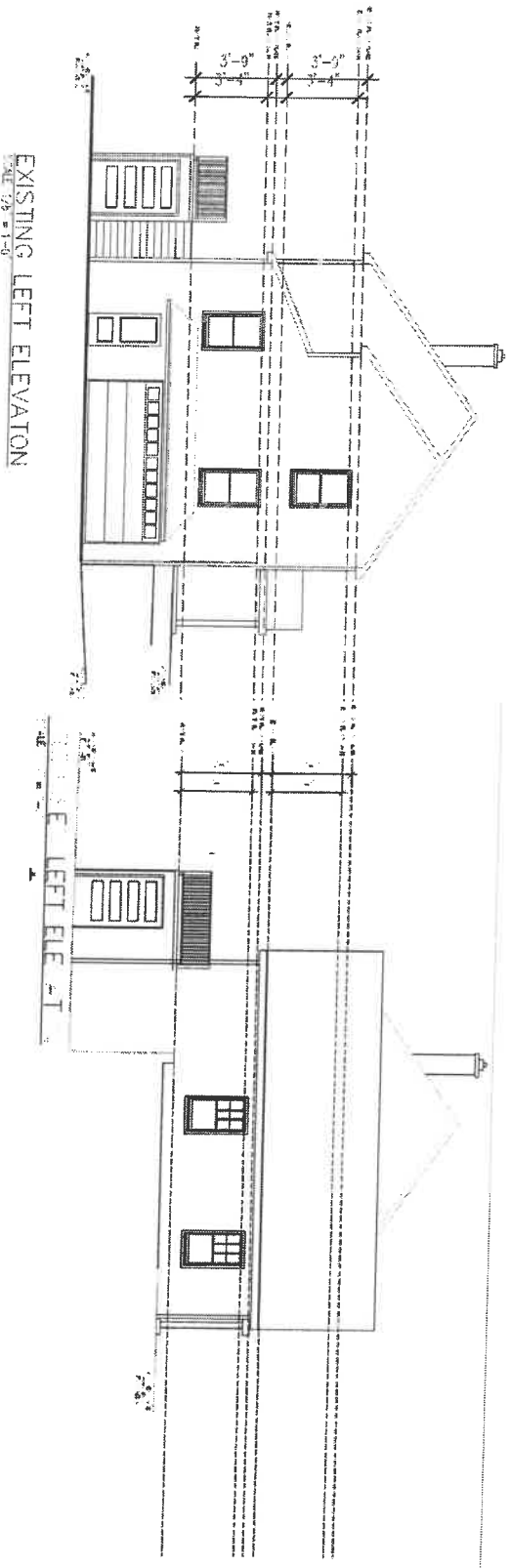


Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cai-tech.com  
**CAI Technologies**  
PROFESSIONAL SURVEYORS



*Case 15-04  
19 Yorkshire*



MONKIEWICZ FAMILY – 19 YORKSHIRE DRIVE  
PROPOSED GARAGE LEFT ELEVATION  
CHANGE IN DRIVEWAY GRADE

*Cass*  
*15-04/19 Yorkshire Dr.*

**TOWN OF LYNNFIELD**  
**BOARD OF APPEALS DECISION**  
**PETITION OF**  
**MATTHEW MONKIEWICZ**

**CASE NO. 15-04**

RECEIVED

2015 JUN -3 P 4: 20

TOWN CLERKS OFFICE  
LYNNFIELD, MA

A Public Hearing was held on Tuesday, May 5, 2015 at 7:30 p.m. in the Selectmen's Room at the Lynnfield Town Hall to consider the Petition of Matthew Monkiewicz of 19 Yorkshire Drive, Lynnfield, Massachusetts, requesting Frontyard Setback and Sideyard Setback Variances under Section 10.8 of the Lynnfield Zoning By-Laws, to permit the construction of a proposed addition as shown on a plan entitled "Plan of Land in Lynnfield, Mass." dated January 8, 2015, revised April 2, 2015 by Jay Jarosz, PLS, Manchester, Massachusetts. The Premises is located at 19 Yorkshire Drive, Lynnfield, Massachusetts, is shown on Assessor's Map 25, as Parcel 219.

Pursuant to Mass. General Laws Chapter 40A, Section 11, notice of said hearing was published in the Lynnfield Villager, a newspaper with general circulation in the Town of Lynnfield, once in each of two successive weeks, on April 15, 2015 and April 22, 2015, the first publication being not less than 14 days before the hearing date, and by posting such notice in a conspicuous place in the Lynnfield Town Hall for a period of not less than 14 days before the date of such hearing. In addition, the Board caused notice to be sent by mail, postage prepaid, to all parties in interest as defined in the Mass. General Laws Chapter 40A, Section 11, as they appear on the most recent applicable tax list of the Town of Lynnfield, to the Planning Board of the Town of Lynnfield, and the Planning Board of every abutting City and Town.

The Petitioner was represented by Attorney Jay Kimball of Lynnfield, Massachusetts, who presented the aforementioned "Plan of Land in Lynnfield, Mass." by Jay Jarosz, PLS, dated January 8, 2015 and revised April 2, 2015.

The plan shows the existing house and proposed 27 foot by 38 foot addition to the left of the dwelling with proposed front yard setback of 33.4 feet, where 40 feet is required, and side yard setback at the nearest point of 14.0 feet and at the furthest point 23.6 feet, where 25 feet is required. The plan also shows the adjoining properties to the left and right of locus, the dwelling on the left being 25.3 feet from the property line and set farther back from the street than the Petitioner's dwelling.

Mr. Kimball noted the Premises is located in an RC Zone, requiring 40,000 square feet of land area and 180 feet of frontage. The lot has 40,511 square feet of land area and 180 feet of frontage, thus complying with the dimensional requirements of the Zone.

He also provided a left side elevation of the existing dwelling showing the significant change in topography from the street to the rear of the dwelling, noting the current dwelling layout has the garage under to accommodate the grade change. The combination of the topography and unusual shape of the lot are the foundation for granting the Variances to allow the proposed addition in a location to be properly aligned with the existing home architecturally.

An Abutter's Petition signed by abutters at 12, 14, 16 and 17 Yorkshire Drive and 33 Chatham Way, was presented, in which all the neighbors stated complete support for the proposal.

No change to the current five bedroom, four bath count will occur. The garage under will be eliminated and relocated to the left side of the house, level with the street grade. The master bedroom will gain space from the second floor of the new garage for a walk-in closet which also allows a mud/laundry room and more storage space. The access area allows the interior to be renovated to provide more efficient use of space and function.

After review, the Board expressed concern that two Variances are being requested, and while acknowledging the significant topographical and shape issues, suggested the elimination of one Variance might make the proposal more palatable.

Based on that request, Mr. Kimball presented a second plan also entitled "Plan of Land in Lynnfield, Mass." dated January 8, 2015, revised April 2, 2015, by Jay Jarosz, PLS, Manchester, MA, which is nearly identical to the first plan, except it reduces the size of the proposed addition to 26.5 feet by 38 feet.

After review of the revised plan and further discussion, the Board made the following unanimous findings:

1. The existing house and lot are conforming in the Town of Lynnfield.
2. The existing lot has both significant topographical and shape issues establishing the preliminary requisites for the grant of a Variance.
3. Due to the topography of the lot, as well as its shape, the denial of the requested Sideyard Setback Variances would impose a hardship on the Petitioner, financial or otherwise, and said Variances can be granted without substantial detriment to the public good and without substantial derogation from the intent and purpose of the Zoning By-Law. The Board incorporates herein by reference the second presented plan showing a complying 40 foot front yard setback distance from Yorkshire Drive.
4. Addressing detriment to the public good, the Board notes the absence of any abutters at the hearing, absence of any objections to the proposal, and receipt of the Abutter's Petition signed by 6 families in the immediate neighborhood, supporting the proposal.
5. As to derogation from the intent and purpose of the By-Law, the Board notes there will remain significant distance between the side of the proposed addition and the adjoining house at 17 Yorkshire Drive.

Based on the foregoing, the Board unanimously voted:

1. To grant Sideyard Setback Variances under Section 10.8 of the Lynnfield Zoning By-Law to allow the proposed addition having a dimension of 26.5 feet by 38 feet and being setback from the southerly sideline no closer than 16.5 feet at the nearest front corner and 25.7 feet at the rear corner, all as shown on the second plan submitted to the Board entitled "Plan of Land in Lynnfield, Mass." dated January 8, 2015, revised April 2, 2015, by Jay Jarosz, PLS, Manchester, MA, a copy of which plan is incorporated in this Decision by reference and on file with the Board of Appeals.

**LYNNFIELD BOARD OF APPEALS**

Dated: \_\_\_\_\_

*6/3/15*

BY: \_\_\_\_\_

*Thomas Alward*

THOMAS ALYWARD, Chairman