



Planning Department

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MEMORANDUM

To: Board of Appeals **Date:** December 16, 2014
From: Roland Bartl, AICP, Planning Director *R. B.*
Subject: **Hearing #15-01, 90 Martin Street**
Special Permit Application - Entry Deck in Nonconforming Front Setback

The applicant is seeking a special permit under Zoning Bylaw (ZBL) section 8.3.3 to allow the construction of a front entry deck. The proposed deck measures 9'6" x 10'6" with +/- 5' wide stairs to ground level.

- The lot and house are located in the R-8/4 zoning district where the minimum required front yard is 45 feet. Based on a recent survey plan (MSDRD Plan #858 of 2010), the existing house has a front yard of ±38.1 feet. The proposed deck, if approved, would be built in extension of the non-conforming yard line, but not encroach further.
- The deck would replace existing front steps. At first glance it might appear that the proposal could fall under ZBL section 5.3.1, which allows uncovered steps within the minimum setback. However, when reviewing the building permit application¹, I deemed this section to be not applicable in this instance because the size of the deck and the width of the stairs exceed the minimum building code requirements (3' wide for stairs and 3' x 3' for a landing).
- ZBL section 8.3.3 provides that a "building, which is nonconforming with regard to any yard requirement, may be extended horizontally within the dimension of its existing nonconformity by special permit from the Board of Appeals..."
- The Planning Department has no objection to the granting of the requested special permit.

cc: Planning Department

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¹ The building permit application also included a plan for a rear deck, which was in compliance with zoning. It received zoning sign-off and is not part of the special permit application.