



**TOWN OF ACTON**  
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**ZONING ENFORCEMENT OFFICER  
 Staff Report**

**Board of Appeals**

**TO: Chairperson and Members  
 Board of Appeals**

**DATE: July 6, 2011**

**FROM: Scott A. Mutch  
 Zoning Enforcement Officer & Assistant Town Planner**

**SUBJECT: File #11-09: 49 Maple Street – Special Permit Seeking Permission to  
 Construct a Sunroom to a Non-Conforming  
 Structure**

The applicant, Ms. Jill Gregory – property owner of record, is requesting a special permit in order to construct a single story sunroom addition to an existing single family residence as required under the terms set forth within the Town of Acton’s Zoning Bylaw, Section 8.3 – Non-Conforming Structures.

**ZONING / SITE DATA**

**Legal**

Description: Middlesex South District Registry of Deeds: Book: 25853; Pages 377.  
 Town of Acton Atlas: Map H2-A; Parcel 27.

Zoning: R-2 (Residence 2)

<b>Bylaw Requirements</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Min. Lot Area (ft <sup>2</sup> )	20,000	10,890	No Change
Min. Lot Frontage (ft) – Maple Street	150’-0”	110.0’	No Change
Min. Front Yard – Maple Street	30’-0”	+/-12’-2”	No Change
Min. Side or Rear Yard (ft)	10’-0”	+/-36’8”*	+/-22’-8”
Maximum Building Height (ft)	36’-0”	Unknown	Unknown

Section 8.3.3 of the Town of Acton’s Zoning By-Law which regulates Nonconforming Structures, states 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, provided that the extension otherwise conforms to all the dimensional requirements of this Bylaw, and provided further that the Board of Appeals finds that such an extension is not substantially more detrimental to the neighborhood than the existing nonconforming condition of the BUILDING.”

## **STAFF ANALYSIS**

The applicant is proposing to construct a single story sunroom addition to an existing single family residence which would not currently satisfy the minimum front yard setback requirement of 30'-0" for structures located within the R-2 zoning district. As per documentation obtained from the Assessor's Office, the structure in question was constructed in 1920 and the property is also listed on the Town of Acton's Cultural Resource List. The Town of Acton, which formally adopted its first Zoning Bylaw in 1953, would lead staff to conclude that the subject property has a pre-existing non-conforming front yard setback.

While the existing home is identified as having a 12'-2" front yard setback from Maple Street, the proposed addition would have a 19'-5" front yard setback from Maple Street. Although the proposed sunroom does not comply with the minimum 30'-0" front yard setback, the proposed location of the sunroom is recessed (setback) approximately +/- 7'-0" back from the main front façade of the existing dwelling structure. The subject home is situated on a lot which has approximately 110'-0" of total lot frontage with the proposed addition being added to the eastern side of the existing structure. Submitted documentation appears to indicate that the addition will be approximately 14'-1" in width, which would provide a remaining 22'-8" eastern side yard setback.

Planning Department Staff would support this Special Permit application. The proposed single story sunroom addition will extend horizontally across the front of the property within an already non-conforming front yard setback. The proposed addition, as currently submitted, does not appear to be any more substantially detrimental to the surrounding neighborhood than the currently existing non-conforming dwelling structure. Although Planning Department Staff supports this Special Permit application request, Staff would however, recommend that should the Zoning Board of Appeals wish to grant the requested Special Permit application, a condition should be considered and possibly added to any Decision which would require that the sunroom addition be designed in such a manner as to be consistent and harmonious with the existing structure.