

## Hull Zoning Board of Appeals

**Applicant:** Edward and Janice White

**Property:** 29 Clifton Ave. Hull, MA. 02045

**Date:** Thursday, April 17, 2014

**Time Meeting Began:** 9:30 p.m.

**Time Meeting Concluded:** 10:07 p.m.

**Place of Meeting:** Hull Municipal Building, Louis C. Costa Room, 253 Atlantic Avenue

### **Zoning Board Members Present for Hearing:**

Alana Swiec, Chair	Sitting	<b>Attending</b>	Absent	Abstain
Dr. Roger Atherton, Clerk	<b>Sitting</b>	Attending	Absent	Abstain
Atty. Mark Einhorn, Member	Sitting	Attending	<b>Absent</b>	Abstain
Phillip Furman, Associate	Sitting	Attending	<b>Absent</b>	Abstain
Jason McCann, Associate	<b>Sitting</b>	Attending	Absent	Abstain
Patrick Finn, Associate	<b>Sitting</b>	Attending	Absent	Abstain

### **Others in Attendance:**

*Edward White & Janice White, Applicants*

*Emily Hardej, Recording Secretary*

**General Relief Sought:** Applicants Edward and Janice White seek to apply for a special permit to replace current porch and stairs with deck and stairs at 29 Clifton Ave Hull, pursuant to Hull Zoning by law 61-2F; proposed side setbacks are less than required.

### **General Discussion:**

Ms. Swiec welcomes the applicants and asks them to elaborate as to what it is they are planning to do. Edward White explains they are looking to build a deck and stairs over an existing concrete patio. They are also seeking to increase the size of the porch over the deck. He explains that the dimensions of the porch would be 11 feet by 24 feet. The plot plan shows that the side facing the right intrudes a tiny corner on the setback. On the left side, there's more but pretty much conforming to what the other neighbors have.

Mr. Finn stated he is interested in the former lot line. Mr. White explained that back in the 1920's the neighbor purchased a strip of land 15 feet by 68 feet long from whoever owned the property at the time. Mrs. White further explains that the family, who is their neighbor, explained the situation that there was a fire a long time ago, but the land was bought to build a wraparound porch. They purchased the land to conform to the zoning laws, and then there was another fire in 1999 on Clifton Ave again.

The neighbors rebuilt the house after the 1999 fire this time without a porch. So now there is no wrap around porch. The White's also explained they had been at their house for over 30 something years (29 Clifton Ave.), but they were told that is why there is that unusual piece of land and odd shape to ours.

Dr. Atherton stated that the Board didn't have a copy of a construction plan for 29 Clifton Ave. Mr. Finn explains that the building of the porch must be in conformity with the building code. Mr. McCann explains that there is an existing concrete pad; the White's just wish to put a deck on it. Dr. Atherton asks if the porch would just going off of what exists now. Mr. Finn also asks the White's if they just want to build a deck over the patio by just extending it? He also stated that he doesn't feel that it's detrimental to the neighborhood.

Ms. Swiec asked if the porch would come straight from the house right to the seawall? The Whites replied that, no there would be 2 foot buffer. They also added that the Fire Department, in a previous case before the ZBA, requested there be enough room to move around the house. Dr. Atherton stated that he could see a smaller deck being there, but if all are happy with this in this small area, then that's the way we should do it, but I would like to see a smaller deck. Mr. Finn suggested he could ask the Applicants to reduce the size, if he feels more comfortable with it. Mr. White explains that the neighbor's porch is almost exactly the same thing that the porch would be and showed a picture for an example. He further explained that there are a couple of feet where people could walk by.

Dr. Atherton asked the Whites if Peter Lombardo was happy with their plans? He explained that the deck could be built much smaller within the setbacks as a matter of right. Mr. McCann asked what the elevations of the porch are and Dr. Atherton said it was about 5 feet and that it's comparable to the houses nearby. Dr. Atherton also asked if there would be lattice work underneath the porch. Mr. White said yes there would be lattice work underneath. Ms. Swiec suggested that the Applicants should submit a copy of construction plan, sign it, and indicate that is what they will build; and it will go into the file. Mr. McCann also added it should show the height of the deck. Mr. Finn stated is has to be the same height as the existing porch- same height, same stairs, just an extension of the deck. Dr. Atherton stated that the bylaw states that the building must be 10 feet from the sea wall, but the deck isn't considered a building, so that no future enclosure of the deck will be allowed, as that would then become part of the structure.

The Whites asked the Board to look at the various pictures of the neighboring decks and porches as a comparison. Mr. White acknowledged that he knows the importance of egress, because of the fires in the past. Ms. Swiec mentioned that they were a few different properties that need to allow space behind the buildings, (the rear setback), for the fire trucks to have access. Mr. McCann mentioned that he has some concerns about the small amount of space (2 feet), but that if the Fire Department said it was ok, he would be fine with it. Ms. Swiec said she doesn't recall the Fire Department requirements.

Janice White stated that her and her husband sail and they need the space in between the seawall and the porch. She also added that they have to be able to walk around the deck and that they keep inflatables there also. "It does not go right up to the seawall by any means," Mrs. White said. The White's also stated that the space is needed for them. Dr. Atherton said, "I'm not excited about it, but I

guess I'll go along with it." He also added that the Board could be avoided all together by doing a smaller deck. Mr. Finn stated to Dr. Atherton that he could ask the Applicants to reduce the size. He also mentioned because of the stairs Applicants are allowed to do stairs in a setback area.

Ms. Swiec suggested that the Board could do a site visit and check this out. Mr. Finn said that the Applicants could make the deck 10 feet by 24 feet, it would be cheaper. Ms. Swiec said that the width isn't really the problem, as it's the length that crowds the corner. Mrs. White said that the width is more important than the depth. Mr. Finn agreed that 10 feet would be fine. The Whites agreed that the 10 feet instead of 11 feet would be fine. Ms. Swiec said we'll need a new plan from the Applicants. Mr. Finn stated that 10 feet by 24 feet deck would have to be built to Massachusetts Building Code. Mr. White said he would have David Ray make a new plot plan to show the new dimensions and will send it to ZBA (Dr. Atherton) who will include it in the written decision.

Mr. Finn made a motion to approve the application for a special permit to Edward White of 29 Clifton Avenue to replace the current porch and stairs with the proposed new deck and stairs at the rear of the property, the dimensions not to exceed 10' by 24' with the condition that all decks shall remain forever open. Dr. Atherton seconded the motion. Vote was unanimous - Dr. Atherton, Mr. Finn, and Mr. McCann.

*Recorded by Emily Hardej*

*Approved by Roger Atherton*\_\_\_\_\_

*Date:*\_\_\_\_\_