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BOARD OF APPEALS

Hearing # 14-08

**DECISION ON THE PETITION OF JOHN KERAMARIS
FOR A SPECIAL PERMIT TO INCREASE THE SIZE
OF A RESIDENCE AT 42 POPE ROAD
BY MORE THAN 15 PERCENT**

The Acton Board of Appeals (the "Board") held a duly noticed public hearing on September 8, 2014, with regard to the Petition of John Keramaris for a **Special Permit** under Section 8.1.5 of the Zoning By-Law to allow an addition to be built on a home on a nonconforming lot at 42 Pope Road which would increase the size of the structure by more than 15%. Map G-5/Parcel 5.

Present at the hearing were Jonathan Wagner, Chairman; Richard Fallon, Board Member; Adam Hoffman, Alternate Member; Scott Mutch, Zoning Enforcement Officer; Board Secretary Cheryl Frazier; petitioner John Keramaris, and interested parties.

Chairman Wagner opened the meeting, read the contents of the file into the record, and asked Scott Mutch, Zoning Enforcement Officer, for comments. Mr. Mutch stated that this proposal would be an expansion of an existing residence. The proposed addition consists of two one-story sections. One of the sections (approx. 22' x 5') includes a new front entry into the home and enlargement of an existing bedroom. The second section (approx. 24' x 38') will create a new master bedroom suite and a two car garage. The existing enclosed screen porch will be converted into a master bathroom and walk-in closet. The overall proposed new square footage is 1,022 square feet, which is in excess of the 15% Gross Floor Area increase permitted as of right under Section 8.1.4 of the Zoning By-Law.

The petitioner, John Keramaris, recently purchased 42 Pope Road, currently unoccupied, with the intention of renovating and expanding the property for his family residence. His architect told him that he could increase the footprint by 15% without a problem, but he was informed by the Zoning Enforcement Officer that the garage would count as part of the new "gross floor area." The proposed addition is an "extension, alteration or change" on a nonconforming lot because it is located in an R-8 zoning district with a minimum lot area of 80,000 square feet. The lot is only 22,066 square feet. Also, the frontage is only 143.56 feet, while the required frontage is 200 feet.

The existing home has 2,024 square feet of "gross floor area." The proposed master bedroom is an increase of 462 square feet, and the garage is an increase of 564 square feet. The garage is included in "gross floor area" because it comes under the definition of "structure" in the Zoning By-Law, and is attached to the residence.

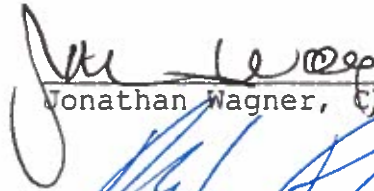
The overall proposed addition of 1,022 square feet is approximately a one-third increase over the previous gross floor area. The Board expressed concern about the overall size of the increase being significantly over 15%. However, the Chairman noted and the Zoning Enforcement Officer confirmed that the garage space was a significant aspect of the increase.

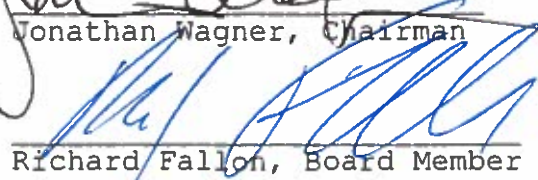
Chairman Wagner asked for public comment, and Michael McGurl of 33 Pope Road spoke in support of the proposal.


The Board voted to close the hearing.

The Board, making the mandatory findings under Section 10.3.5 of the By-Law, voted unanimously, 3-0, to GRANT the SPECIAL PERMIT, with the condition that the addition be built substantially as shown on the plans submitted. The Board also noted that the fact that much of the increase of gross floor area over 15% was garage space was a significant aspect of the approval.

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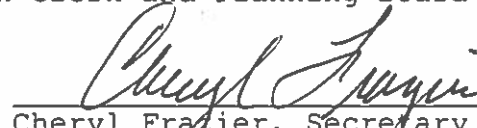

Jonathan Wagner, Chairman


Richard Fallon, Board Member


Adam Hoffman, Alternate

Dated:

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on October 27th, 2014.


Cheryl Frazier, Secretary
Board of Appeals