

TOWN OF WAREHAM
ZONING BOARD OF APPEALS

APPLICATION FOR A PUBLIC HEARING FOR A VARIANCE/SPECIAL PERMIT

Certain uses are allowed in several zoning districts only by means of a Variance and/or Special Permit from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

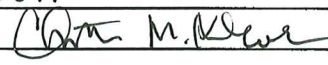
- o Complete this form.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o Submit completed form, packets, and appropriate fees** to the Zoning Board of Appeals secretary.

**Permits may be issued only after a public hearing. There is a filing fee of \$300.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$750.00 per lot, per application for all commercial applications. In the case of a multi-family development, the fee is \$300.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Wareham.

**A check to cover two (2) legal advertisements for the public hearing should be made payable to Wareham Week in the amount of ~~\$80.00~~ \$100.00

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.73 per certified letter to each abutter. Please see Zoning Board secretary for cost of mailings. Please make check payable to the Town of Wareham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

STREET & NUMBER: 6 ASH ST MAP: 38 LOT: 75
ZONING DISTRICT: R-30
USE REQUESTED: RESIDENTIAL
OWNER OF LAND & BUILDING: CHRISTINE M. KLAVER TEL.# 508.649.9807
ADDRESS OF OWNER: 6 ASH ST WAREHAM MA 02571
PERSON(S) WHO WILL UTILIZE PERMIT: CHRISTINE M. KLAVER
ADDRESS: 6 ASH ST WAREHAM MA 02571
DATE: 12/14/2021 SIGNATURE: 
This application was received on the date stamped here:

Town Clerk:	_____	Date:	_____
Tax Collector:	<u>Bridgette Benoit</u>	Date:	<u>12/15/21</u>
Planning/Zoning Dept.:	_____	Date:	_____
Application fee paid:	<u>300.00</u>	Check #:	<u>105</u>
Advertising fee paid:	<u>100.00</u>	Check #:	<u>106</u>
Abutters fee paid:	<u>115.77</u>	Check #:	<u>107</u>
		Receipt:	_____
		Receipt:	_____
		Receipt:	_____

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check Applicable: _____ Variance ☒ Special Permit _____ Site Plan _____ Appeal _____

Date stamped in: _____ Date decision is due _____

Applicant's Name: CHRISTINE M. KLAVER

Applicant's Address: 6 ASH ST. WAREHAM MA 02571

Telephone Number: 508.649.9807

Cell Phone Number: 617.721.9719

Email Address: CKLAVER@FIRSTAM.COM

Address of Property/Project: 6 ASH ST. WAREHAM MA 02571

Landowner's Name: CHRISTINE M. KLAVER

Owner's Address: 6 ASH ST. WAREHAM MA 02571

Telephone Number: 508.649.9807

Contact Person: CHRISTINE M. KLAVER Telephone Number: 508.649.9807

Map 38 Lot 75 Zone R-30

Date Approved _____ Date Denied _____

Comments: _____



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

David L Riquinha
Building Commissioner

Barry & Christine Klaver
C/o Donald Donnalson
181 North Montello Street
Brockton, MA 02301

December 2, 2021

RE: 6 Ash Street

Map # 38, Lot # 75

I have reviewed your application to modify your preexisting nonconforming residential dwelling located at 6 Ash Street, in Wareham, MA. Your proposal is not in compliance with current zoning requirements and must be denied at this time.

After careful review of your application, it is my understanding that you would like to construct a new rear bedroom addition, along with a new covered front porch. The existing dwelling complies with floor area, as well as front and rear setback requirements; however, the right and left sides do not. Your current dwelling is 8'-8" from the left property boundary, and 8'-9 1/2" from the right side. You are extending along the same nonconforming line which is an intensification and / or aggravation of the preexisting nonconformity, and requires a Special Permit from the Zoning Board of Appeals. If the Zoning Board finds that the addition / alteration will result in a substantial detriment to the neighborhood, a Variance will be required.

The submitted permit application is being denied under the following sections of the Wareham Zoning By-law:

- **Article 6 Table 628, Existing Small Lots in Residential Districts:** Lots with less than 5000 square feet are required to maintain a 10' side and rear setback.
- **Article 13 Section 1352 Non-conforming Structures:** Alteration or expansion of a lawfully pre-existing non-conforming residential structure requires a Special Permit from the Zoning Board of Appeals. If the Zoning Board finds that the

expansion will result in a substantial detriment to the neighborhood, a Variance will be required.

You must bring this letter to the Zoning Board office and apply for a hearing where you will request the necessary relief as mentioned above. If you are successful, you shall wait 20 days for the statutory appeal period to lapse, then record the ZBA decision with the Plymouth County Registry of Deeds, and apply for a new building permit to construct the addition and perform the work in accordance with the zoning approval. The existing permit application has been denied and will not be reopened to perform the requested work.

The subject dwelling is located in the R-30 zoning district.

Respectfully,



David Riquinha

Building Commissioner

Zoning Enforcement Officer

It is the owners' responsibility to check with other departments, i.e. Health, and conservation, etc. to ensure full compliance.

In accordance with the provisions of MGL chapter 40A §§ 15, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of the date of this letter.



2021 00092387

Bk: 55473 Pg: 116 Page: 1 of 2

Recorded: 08/13/2021 11:45 AM

ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

QUITCLAIM DEED

I, Anthony J. Neil, a single man of 6 Ash Street, Wareham, Plymouth County Massachusetts.

For consideration paid, and in full consideration of One Dollar and 00/100 (U.S. \$.00) Dollars

Grant to

Anthony J. Neil, a single man and Christine M. Klaver, a married woman, of 6 Ash Street, Wareham, Plymouth County, Massachusetts as joint tenants, with right of survivorship.

with Quitclaim Covenants all my right, title and interest in the following describes property:

The land of Ash Street in Wareham, Plymouth County, Massachusetts, being lot 75 as shown on a plan entitle "Plan No. 1 of Lots of Parkwood Beach, Wareham, Mass., dated May 1, 1923, prepared by Hayward & Hayward, Surveyors, recorded with Plymouth County Registry of Deeds in Plan Book 3, Page 512, and to which plan reference is hereby made more a more particular description.

Said lot contains, according to said plan, Four Thousand (4,000) square feet, more or less.

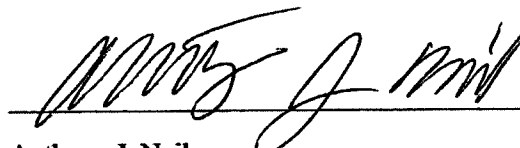
Said lot is conveyed subject to restrictions of record insofar as the same are now in force and applicable.,

For chain of title, see Deed from Christine Klaver, a married woman, to Anthony J. Neil dated October 29, 2014 and recorded with Plymouth County Registry of Deeds on October 29, 2014 in Book 44886, Page 276.

Mail
Anthony J Neil
6 Ash Street
Wareham MA 02571

Locus: 6 Ash St. Wareham MA. 02571

WITNESS my hand and seal this 12 day of August, 2021.



Anthony J. Neil

COMMONWEALTH OF MASSACHUSETTS

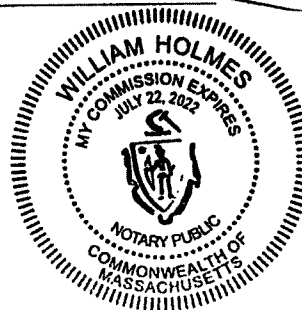
Plymouth COUNTY, SS.

On this 12th day of August, 2021, before me, the undersigned notary public, personally appeared Anthony J. Neil, proved to me through satisfactory evidence of identification, which was MADL (source of identification) to be the person whose name is signed on the preceding or attached document, and acknowledge to that he signed it voluntarily for its stated purpose.



NOTARY PUBLIC:

MY COMMISSION EXPIRES:



Hand-drawn site plan showing property boundaries, driveway, existing dwelling, deck, and other structures with dimensions.

- Property Dimensions:**
 - Top boundary: 50.00'
 - Bottom boundary: 50.00'
 - Left boundary: 50.00'
 - Right boundary: 50.00'
- Structures and Features:**
 - EXISTING DWELLING #6:** A central rectangular structure with a width of 30.00' and a depth of 23.2'.
 - DECK:** Located below the existing dwelling, with a width of 8.6'.
 - DRIVEWAY:** Located to the left of the existing dwelling, with a width of 8.8'.
 - Structure #8:** A small structure to the left of the driveway, with a width of 14.5' and a depth of 8.8'.
 - Structure #4:** A structure to the right of the existing dwelling, with a width of 9.4' and a depth of 8.6'.
- Other Labels:**
 - REBAR SET:** Four locations marked at the corners of the property.
 - CB/DH FOUND:** Located at the top-left corner.

CLIENT COPY

SHOWING EXISTING CONDITIONS

WAREHAM, MASSACHUSETTS

land surveyors - engineers
306 Old Plymouth Road, Sagamore Beach, MA 01562
Ph: (508) 888-5955 Email: canalsurvey@verizon.net

JOB No.: 21-065
DATE: 26 SEPT 21
SCALE: 1" = 20'
DRAWN: PDR
CHECK: rjh

6ASH ST
EXISTING



December 8, 2021

David Riquinha
Building Commissioner/Zoning Enforcement Officer
Town of Wareham Building Department
Wareham MA 02571

Dear Mr. Requinha,

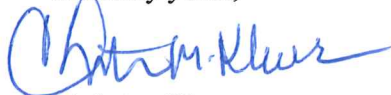
This letter is in response to the denial notification for my property at 6 Ash Street Wareham MA, which I received through my contractor, Beantown Builders. I understand that the denial of the application for a building permit is based on the setback requirements of the property; specifically the left and right sides from the existing dwelling. Please accept this letter as my formal request for a hearing and/or the issuance of a Special Permit for construction approval.

My intent is to improve the existing property, one that has been with my family since 1952, which will improve the neighborhood aesthetically as well as in property value. The rear bedroom addition and front porch (as proposed) will continue the existing dimensional setback. The bedroom, however, will not be visible from the street as we are having a new fence installed on our property. Also, the addition of the front porch will serve to greatly improve the street view of the home once completed and will not impede on any adjacent structure. I feel that the proposed changes will both create a year-round home as well as beautify the street and community.

When working with the architect we made certain that our suggestions were in keeping with the homes on our street, and Parkwood in general. This included site visits with our contractor as well as our architect. We looked at several projects on our street that were at various stages of completion and, based on their proximity to lot lines and neighboring properties, believed that our proposal maintained the same standard in our area (I have included some pictures as reference). Our final step before applying for a building permit, was to review our plans with our neighbors on both our left, our right and to the rear of our property. The Caples, Ms. Creighton and the Asiafs were not only satisfied with our plans but excited at the improvements to the neighborhood.

I hope that this explanation is sufficient evidence to grant us a Special Permit to proceed. As you are well aware, the weather is a factor in construction. We hope that your approval of our plans will allow us to get our project underway so that any impact on the area and our timeline as a result of winter conditions can be minimized. We look forward to your reply and appreciate your time.

Sincerely yours,



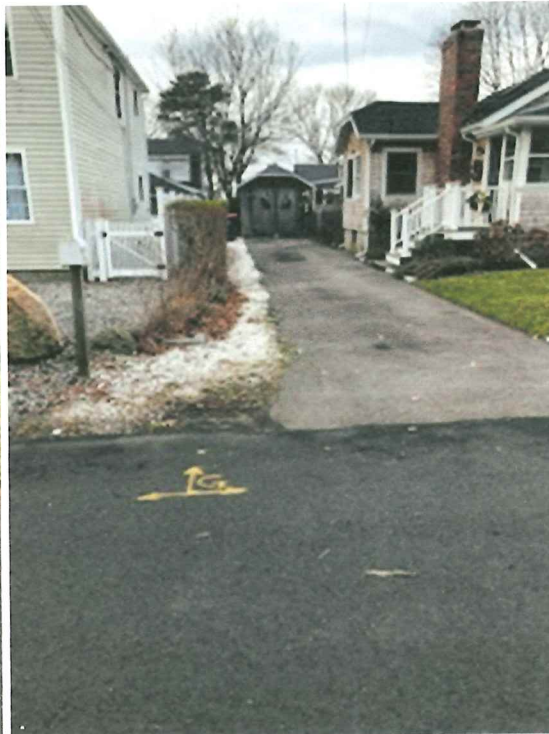
Christine Klaver

6 ASH STREET WAREHAM MA 02571 - (508) 649-9807
CKLAVER@FIRSTAM.COM

RECENT CONST.
17 ASH ST



13 ASH ST.



← S.W. CORNER
6 ASH ST
(STAKE REFLECTS PROP LINE)

LOT LINE
BETWEEN 2-4 ASH ST



LOT PROXIMITIES IN THE PARKWOOD COMMUNITY





Town Of Wareham Assessors Office

Request for Abutters List

Contact Information

CHRISTINE KLAVER

Phone

508 649 9807

Email

CKLAVER@FIRSTAM.COM

Date of Request

12/15/21

Property Information

Owners Name

CHRISTINE KLAVER

Property Location

6 ASH ST WAREHAM MA 02571

Map/Lot

38/75

Distance Required

Direct

100'

300'

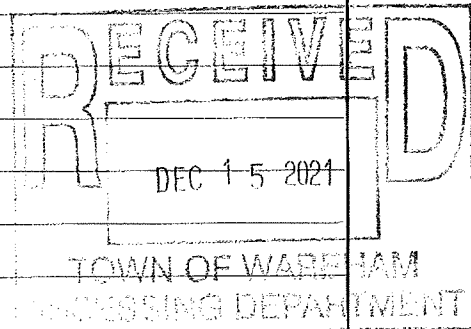
500'

✓

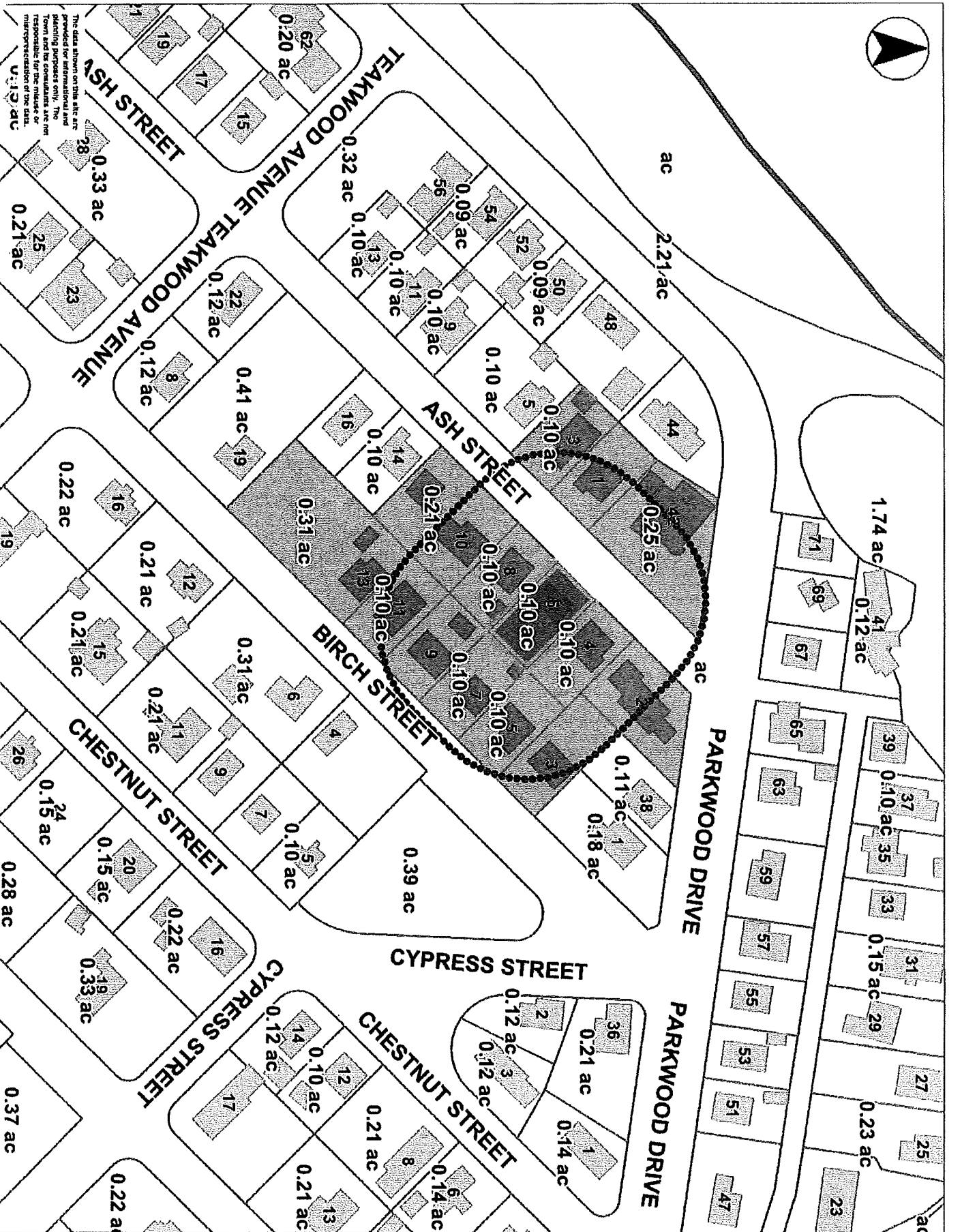
Which Board are you appearing before?

ZONING BOARD

PLEASE ALLOW 7-10 DAYS FOR PROCESSING



TOWN OF WAREHAM ABUTTERS						
MAP 38 LOT 75						
OWNER ANTHONY J NEIL & CHRISTINE KLAVER						
MAP & LOT	OWNER	CO-OWNER	STREET ADDRESS	TOWN	STATE	ZIP CODE
38-39	TORRESSEN SARA BETH OMALLEY		3 ASH ST	WAREHAM	MA	02571
38-38	LUCHINI REGINA M TRUSTEE	& LUCHINI FAMILY REALTY TRUST	115 ERIC DR	FRANKLIN	MA	02038
38-73	DOWNEY JEANNE Y		10 ASH ST	WAREHAM	MA	02571
38-36	RYAN SONIA TRUSTEE OF THE	SONIA RYAN 1997 REALTY TRUST	42 PARKWOOD DR	WAREHAM	MA	02571
38-74	CREIGHTON MARY ANN LIFE ESTATE		26 WOODRUFF RD	WALPOLE	MA	02081
38-84	DUNN NANCY		11 BIRCH ST	WAREHAM	MA	02571
38-75	NEIL ANTHONY J	KLAVER CHRISTINE M	6 ASH ST	WAREHAM	MA	02571
38-82	ASIAF PETER G JR	ASIAF MARY ANN TRUSTEES	26 NYLAN RD	BROCKTON	MA	02301
38-77	CANNON WILLIAM P	CANNON LINDA M	2 ASH ST	WAREHAM	MA	02571
38-83	LONG JOANNE T		9 BIRCH ST	WAREHAM	MA	02571
38-76	CAPLE DANIEL S	CAPLE REBECCA J	2209 WINTER ST	CHARLOTTE	NC	28205
38-80	OLSEN PAUL N	OLSEN AUDREY E	83 HILLCREST AVE	BROCKTON	MA	02301
38-81	BILLOTTE MAUREEN S TRUSTEE	BILLOTTE JAMES R TRUSTEE	5 BIRCH ST	WAREHAM	MA	02571
CERTIFIED ABUTTERS						
AS THEY APPEAR ON OUR						
TAX ROLLS AS FOF 12/15/2021						
<i>By [Signature]</i>						
<i>11. Kevin Atkins</i>						
ASSESSORS OFFICE						
REQUESTED BY						
CHRISTINE KLAVER						
508 649-9807						
CKLAVER@FIRSTAM.COM						



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misinterpretation of the data.

160 320 ft

Printed on 12/15/2021 at 11:31 AM

- MA Page
- Fire Station
- Police Station
- Town Hall
- Public Library
- School
- Buildings
- Periods
- Town Boundary
- MA Highway
- Interstate
- US Highway
- Numbered Routes
- Streets
- Bathymetry
- 0-5 ft
- 5-10 ft
- 10-15 ft
- 15-20 ft
- 20-30 ft
- 30-40 ft
- 40-50 ft
- 50-60 ft
- 60-70 ft
- 70+ ft
- Adjoining Towns