



TOWN OF LEICESTER

OFFICE OF INSPECTOR OF CODES

3 Washburn Square
Leicester, MA 01524-1333
Phone: 508-892-7003 Fax: 508-892-1163
www.leicesterma.org

September 7, 2022

**Certified Mail Receipt # 7021 2720 0002 5705 9007
& Regular Mail**

William Yorke Murphy
4 Lake Shore Dr.
Leicester, MA 01524

Dear Mr. Murphy,

You have applied for a building permit to add a 24'8" x 6'2" enclosed porch at 4 Lake Shore Dr., Leicester MA 01524.

I must deny your application at this time.

You will need to file with Conservation Commission because the proposed work is within 100 feet of Cedar Meadow Pond.

You will also need the Zoning Board of Appeals to issue a special permit for the project per the Town of Leicester Zoning By-Laws following sections:

Section 1.4.02 ALTERATION AND EXTENSION OF NONCONFORMING STRUCTURES OR USES:

1.4.02.1 General

Except where alteration, reconstruction, or extension of a single-family or two-family residential structure would not increase the nonconforming nature of said structure (see Section 1.4.02.2), a nonconforming structure or use shall be altered, extended, or reconstructed only upon issuance of a special permit by the Zoning Board of Appeals. No such alteration, reconstruction, or extension shall be permitted unless the Zoning Board of Appeals finds after a public hearing that such alteration, reconstruction, or extension would not be substantially more detrimental to the neighborhood than the existing nonconformity.

1.4.02.2 One Family & Two Family Dwellings

Notwithstanding any other provisions of these Bylaws, alteration, reconstruction, extension or structural change (collectively "alteration") of a pre-existing, nonconforming single-family or two-family residential structure will be deemed not to increase the nonconforming nature of such a structure, and shall be permitted as of right, if:

- a.) the structure is located on a conforming lot, and the proposed alteration will comply in all respects with the By-laws, specifically the requirements for front setback, side and rear setbacks, building coverage, lot coverage, maximum floors and maximum heights; or
- b.) the structure is located on a legally nonconforming lot, and the proposed alteration will retain the structure's existing footprint; or



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c.) the structure is nonconforming solely because of insufficient lot frontage or lot area, or both, and the proposed change shall meet all dimensional requirements for front setback, side and rear setbacks, building coverage, lot coverage, maximum floors and maximum height.

Your property at 4 Lake Shore Dr. is in the SA district. Per **Section 4.2 Schedule of dimensional Requirements-Table I**, the minimum area (SQ FT) is 80,000, Frontage 200ft, and front, rear, and side setbacks are 40' in that zone. The plan submitted shows a side setback of 4.1' and front setback of approx. 51' which does not meet the side and front dimensional requirement of 40'. Your property has frontage of 50' which does not meet the minimum frontage of 200' in that zone and your property also does not meet the minimum area for the SA district in the Town of Leicester Zoning By-Laws with only 5,425 sq ft. For these reasons your property is considered a nonconforming structure and your proposed work would increase the nonconforming nature of your structure requiring the issuance of a Special Permit from the Zoning Board of Appeals to move forward with your project.

Included with this letter is the Zoning Board of Appeals instructions for Variance and Special Permit Applications and the Application Form. If you have any questions regarding the Zoning Board of Appeals' instructions the Planning Department can be contacted at 508-892-7007.

Please feel free to contact our office with any other questions.

Best Regards,

Michael Silva

Michael Silva
Building Commissioner
Zoning Enforcement Officer
508-892-7003
silvam@leicesterma.org