



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

April 25, 2023

**Certified Mail Receipt # 7021 0350 0002 2121 4761
& Regular Mail**

Stacey and Joseph Rau
24 Rawson Drive
Leicester, MA 01524

Dear Stacey and Joseph,

You have applied for a building permit to add a 20' x 24' addition at 24 Rawson Drive, Leicester MA 01524.

I must deny your application at this time.

You will 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
- 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.



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Your property at 24 Rawson Drive is in the Suburban-Agricultural (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 area of 24 Rawson Drive is 44,122 Sq. Ft which is less than the required 80,000 Sq Ft for the SA zoning district. The plans submitted show a front setback of 37.6' which does not meet the side dimensional requirement of 40'. 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.

You have the right to appeal this decision per the Town of Leicester Zoning By-Laws Section 6.4.01 Appeals which states, "To hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of Chapter 40-A of the General Laws, or by any officer or board of the Town, or by any person aggrieved by any order or decision of the Inspector of Buildings or other administrative official in violation of any provision of Chapter 40-A, General Laws or of this by-law."

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