

864 Baxter Boulevard – 158 A016
Front Yard Determination
1/3/2019

The owner has asked for a determination of what is considered the front yard of the property, whether it is Brookside Road or Baxter Boulevard. I have researched the permits on file and the assessor's cards from the 1950s and the 1980s. It appears that the property was also lot 16 in a subdivision plan for Brookside Road. The house was built in 1950 (permit #00497). There are no plans or zoning sheet for the permit in the file. Looking at the footprint and picture on the 1950s assessor's card and the fact that the lot was part of the subdivision for Brookside Road, it appears that the front yard was Brookside Road.

In the 1980s three permits were approved for additions and a permit was approved in 1991 for an in ground pool. It is unclear with some of these permits what was considered the front yard and what was considered the rear or side property lines.

Permit # 0138 was approved in 1983 to extend the main floor of the house over part of the existing garage. This permit did not change the footprint.

Permit #01255 was issued in 1984 to add an L shaped addition that extended the part of the building facing Brookside Road 14' towards Brookside Road and 6' towards the abutting property at 91 Brookside Road. There are no plans or a zoning sheet in the file and I'm not sure how it was approved because it does not appear to meet the setbacks. If Brookside Road was the front yard, the front yard setback of 25' (or the average of the abutters' front yards) was not being met and if Baxter Boulevard was the front yard, the rear setback of 25' was not being met. Despite this the permit was issued and the addition was built. It is legally nonconforming.

Permit #2038 was issued in 1989 to build the deck on the house. The approximate setback to the property line closest to the deck is scaled at 18'. It may have been considered a side property line but it is hard to know what was being considered as the front of the property due to the shape of the lot.

Permit #912670 was issued in 1991 to install an in-ground pool. The setback for a pool to the property line is 10' for the side and rear property lines so it is hard to say what was considered the front yard with this permit.

Based on all the information, I have determined that Brookside Road is the front property line. The rear yard is the yard opposite Brookside (110.27' long) and the side yards are the property line that abuts 91 Brookside Road and the property line that abuts 103 Brookside Road. It is unclear whether Baxter Boulevard is considered a side yard on a side street or a rear yard. The rear yard the setback is 25' and the side yard on a side street setback is 20'. The footprint as it exists now is permitted and where the setbacks are not being met it is legally nonconforming.

Ann Machado
Zoning Administrator