

**TOWN OF HINGHAM**

**SUPPORTING STATEMENT –  
STATUTORY FINDINGS**



**FORM 2B  
VARIANCE**

**BOARD OF APPEALS**

Petitioner John Smallcomb seeks

a Variance from Section (s) IV-A

of the Zoning By-Law for property located at 18 Del Prete Drive

and presents the following findings of fact in accordance with the provisions of M.G. L. 40A, §10:

1. The following circumstances relating to the soil conditions, shape, or topography especially affect the land or structure(s) in question, but do not affect generally the zoning district in which the land or structure(s) are located.

Our property at 18 Del Prete Drive is affected by two unique factors that are driving this request for a variance.

First, the topography of the property is unique. The rear of our property is the low point on the street. Neighbors at both 16 and 20 Del Prete Drive have back yards that are at a considerably higher elevation than ours. See **images 1 and 2** attached reflecting the large difference in elevation.

Second, our property is regularly used by others without our permission to access the South Shore Country Club which is directly behind our property at 18 Del Prete Drive. See **image 3** attached showing the access point at SSCC used by others after walking along our property.

2. Owing to the circumstances described above, a literal enforcement of the provision of the Zoning By-Law would involve substantial hardship, financial or otherwise, to the undersigned for the following reasons.

We believe these two factors present a hardship that other households in Resident District A don't face. Specifically, we are unable to control our privacy with the 6 foot fence that is allowed as a structure within the property setbacks whereas most other households are likely able to create enough privacy with a 6 foot fence.

In addition, we believe our neighbors at both 16 and 20 Del Prete Drive will benefit from more privacy from us, particularly as we install a pool in our back yard and plan to use the space more. Neighbors at both 16 and 20 Del Prete Drive have offered us their support for an 8' fence within the property setbacks.

ZBA – 10/2001

Form 2B

3. Relief may be granted without substantial detriment to the public good for the following reasons.

It's not clear to us how their would be any detriment to the public good if relief was provided to install the 8' fence. As mentioned in #2 above, neighbors at both 16 and 20 Del Prete Drive have offered us their support for an 8' fence within the property setbacks and it will likely improve the public good once installed.

We will install a cedar fence with a style that both our neighbors have indicated is suitable to them.

4. Relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law for the following reasons.

Our sole intent is to erect an 8' cedar fence in the location of the existing 6' stockade fence. We have ensured that affected neighbors are supportive of the plan and style of the fence. We believe that this plan remains consistent with the spirit of the Zoning By-Laws.

**NOTE: The law does not permit the Board of Appeals to grant a variance unless all of the legal requirements are satisfied. Each one of the above findings must be answered in detail.**

**The rights authorized by a variance expire one year from the date the decision is filed with the Town Clerk, unless exercised or extended in accordance with the terms of M.G. L. 40A, §10.**

Date 8/29/2020

SIGNATURE   
(Petitioner/Agent)

Address 18 Del Prete Drive, Hingham MA 02043

Tel. No. 617-894-5442

*Please attach additional sheets if space provided is insufficient*