

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

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Associate Members

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DECISION

Applicant/Owner	Joanna and Robert Bogie
Property Address	154 Bonham Road, Dedham, MA
Zoning District	Single Residence B
Map and Lot	182/19
Representative	Owners representing self
Legal Notice	The applicants seek to be allowed a variance for a side setback of nine feet, two inches (9'2") to construct a second floor addition to a non-conforming single family dwelling. The property is located at 154 Bonham Road, Dedham, MA, and is in the Single Residence B zoning district.
Section of Zoning Bylaw	<i>Town of Dedham Zoning Bylaw Sections 3.3.4 and 4.1, Table of Dimensional Requirements Town of Dedham Zoning Bylaw</i>
Date of Application	June 16, 2018
Date of Public Hearing	July 18, 2018
Date of Decision	July 30, 2018
Vote	5-0 unanimously approved
Voting Members	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jason L. Mammone, P.E.

Date Filed With Town Clerk July 30, 2018

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, July 18, 2018, in the Town Office Building, 26 Bryant Street, Dedham, Massachusetts. Present were members of the ZBA, James F. McGrail, Esq., Chair, J. Gregory Jacobsen, Vice Chair, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, and Jason L. Mammone, P.E.

The hearings for this meeting of the ZBA were duly advertised in *The Dedham Times* on June 29, 2018, and July 6, 2018, in accordance with the requirements of Massachusetts General Law, Chapter 40A, Section 11, and the Town of Dedham Zoning Bylaw. In addition, notices of the hearings were sent to abutters within 300 feet of the property in question on June 19, 2018. Notification of each hearing was sent to the abutting towns of Boston, Needham, Canton, and Westwood. Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Town of Dedham Planning Department.

The Applicants and Owners, Joanna Bogie, and Robert Bogie were present for the hearing and represented themselves. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

On June 16, 2018, the Applicant submitted an application, which included:

1. Zoning Board of Appeals application
2. Certified Plan of Land Prepared by Christopher S. Kelly, Registration # 37050
3. Architectural drawings for Addition to 154 Bogie Road prepared by CME Architects, Inc. , 6 Wilkins Drive, Suite 210, Plainville, MA 02762
4. Town of Dedham Assessors Database information

The subject property is known and numbered as 154 Bonham Road, Dedham, Massachusetts, and is shown on Dedham Assessor's Map 182, Lot 19. The certified plot plan indicates that the Subject Property contains 5,695 square feet of land and has 29.9 feet of frontage on Bonham Road. The existing non-conforming structure has a side setback on the north side of nine feet, two inches (9'2"). According to the Town of Dedham Zoning Map, the Subject Property is located in the Single Residence B zoning district. Currently, the property is occupied by a single family dwelling. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1966.

The applicants seek to be allowed a variance for a side yard setback for an existing single family dwelling to remain 9.2 feet instead of the required 15 feet on a newly created lot in the Single Residence B zoning district. *Town of Dedham Zoning Bylaw Section 4.0, Table 2.*

The applicants do not wish to alter the existing side set back, but rather to construct a second floor addition to the dwelling. The side setback would remain 9.2 feet. Mr. and Mrs. Bogie explained that at present they are experiencing a hardship due to the existing dwelling having three bedrooms, and one bathroom, and they currently have a family of five. They therefore would like to add a second floor addition of a master bedroom.

No one appeared in favor or in opposition to this Application.

Upon motion duly made by Greg Jacobsen and seconded by Scott Steeves, the ZBA voted unanimously, 5-0, to allow a variance for a side yard setback for an existing single family dwelling to remain 9.2 feet instead of the required 15 feet in the Single Residence B zoning district. In granting said Variance, the Zoning Board of Appeals finds that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Furthermore, the Zoning Board of Appeals finds that, after consideration of the criteria in Section 9.3.2 of the Town of Dedham Zoning Bylaw, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and the neighborhood.

The Applicant is advised that, in accordance with Massachusetts General Law Chapter 40A, Section 11, no variance shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed and that no Special Permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

Dated: July 30, 2018

James F. McGrail, Esq., Chair

J. Gregory Jacobsen, Vice Chair

Scott M. Steeves

E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®

Jason L. Mammone, P.E.

