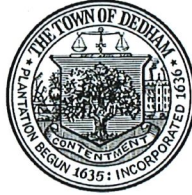


TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS



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TOWN OF DEDHAM
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J. Gregory Jacobsen, Vice Chair
Scott M. Steeves
Jason L. Mammone, P.E.
George Panagopoulos, Associate
Andrew Pepoli, Associate

Dedham Town Hall
26 Bryant Street
Dedham, MA 02026-4458
Phone: 781-751-9242

Jennifer Doherty
Administrative Assistant
jdoherty@dedham-ma.gov

DECISION

Applicant/Owner Michael A. Morris and Karen J. Winters
Property Address 762 East Street, Dedham, MA
Zoning District Single Residence B
Map and Lot 140/2
Representative(s) Katherine McVail, Architect

Legal Notice The Applicants, Michael A. Morris, and Karen J. Winters request a variance for an attached two-car garage. The front corner of the garage extends into the side setback by 3.4 feet at the deepest point (lot line is not parallel to the building) and tapering back for approximately 12 feet. The front corner of the garage will therefore be 6.6 feet from the property line rather than the required 10 feet. The property is located at 762 East Street, Map 98 Lot 4, and is in the Zoning District Single Residence B (SRB).

Section of Zoning Bylaw *Town of Dedham Zoning Bylaw Section 3.3, 4.1-Table 2, 9.2 and 9.3*

Date of Application 6/19/2019
Date of Public Hearing(s) 7/17/19
Date of Decision 7/25/2019
Vote Approved (5-0 Unanimous)
Voting Members James F. McGrail, Chair
Gregory Jacobsen, Vice Chair
Scott M. Steeves
George Panagopoulos
Andrew Pepoli

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts, held a public hearing on Wednesday, July 17, 2019 at Dedham Town Hall, 26 Bryant Street, Dedham, Massachusetts. Sitting on the application were members of the ZBA, James F. McGrail, Chair, J. Gregory Jacobsen, Vice Chair, Scott M. Steeves, George Panagopoulos (Associate Member) and Andrew Pepoli (Associate Member).

The hearings for this meeting of the ZBA were duly advertised in *The Dedham Times* on June 28, 2019 and July 3 2019 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. 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, Michael A. Morris, and Karen J. Winters were represented by their Architect Katherine McPhail at the hearing. The minutes from the hearings are the primary source of evidence and are incorporated herein by reference.

On June 19, 2019, the Applicant submitted an application, which included:

1. Zoning Board of Appeals application
2. Plan of land entitled "Proposed Addition Plot Plan in Dedham, Massachusetts", dated May 24, 2019, and prepared by Borderland Engineering, Inc. of Randolph, MA
3. Elevation and Floor Plans, entitled "Whittier Residence", sheets 0.0, A1.1b, A1.2, A2.2, A2.3, A2.4 and A2.5, dated June 15, 2019, and prepared by dEmios Architects, of Belmont, MA
4. Existing and proposed images, entitled "Photos of Existing Garage, 762 East Street, Dedham, MA
5. Town of Dedham Assessors Database information

The subject property is known and numbered as 762 East Street, Dedham, Massachusetts, and is shown on Dedham Assessor's Map 140, Lot 2. The certified plot plan indicates that the Subject Property contains 10,573 sq. ft. of land. According to the Town of Dedham Zoning Map, the Subject Property is located in a Single Residence B (SRB) Zoning District. Currently, the property is occupied by a single-family dwelling with a detached garage. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1935.

At the initial public hearing on Wednesday, July 17, 2019, Michael Morris was in attendance with his architect Katherine McPhail. Ms. McPhail explained the Applicant is seeking to demolish an existing detached one car garage and construct a new, two-story, two car garage that would be attached to the existing single-family dwelling. In addition, small rear addition is proposed on the existing dwelling. As reasons for zoning relief, the existing detached garage is 5.2 ft. from the left side yard setback. The new attached two-car garage would be 6.6 ft. from the left yard side setback, whereas 10 ft. is required. As the proposed attached two-car garage would create a new zoning nonconformity, a variance is required.

No one appeared in support or opposition to the requested relief. Michelle Werner and Amy LaMontagne of 756 East Street submitted a letter of support. The Applicants also provided a support petition containing eight signatures.

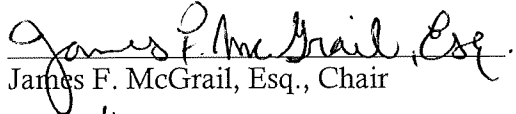
Upon motion being duly made and seconded, the ZBA voted unanimously (5-0) to grant the requested Variance to construct a two-story, two car garage that will be 6.6 ft. from the left side yard setback instead of the required 10 ft. at 762 East Street, Dedham, MA, located in an SRB Zoning District. In granting said variance, the Zoning Board of Appeals finds that the Applicant has satisfied the requirements of Section 10 of Chapter 40A of the General Laws of Massachusetts, a literal enforcement of the Dedham Zoning Bylaw requirements would cause a substantial financial hardship to the Applicant, and that the relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of purpose of the Dedham Zoning Bylaw.

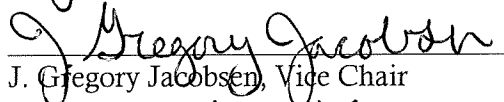
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have

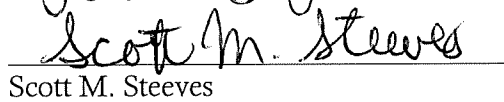
elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

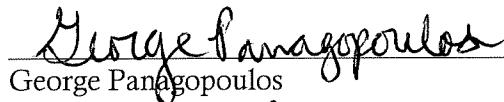
Date: July 25, 2019

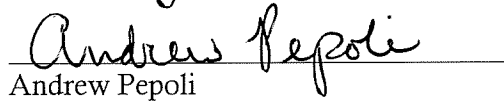
Attest by the Zoning Board of Appeals:


James F. McGrail, Esq., Chair

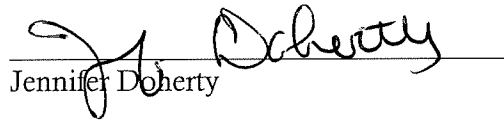

J. Gregory Jacobsen, Vice Chair


Scott M. Steeves


George Panagopoulos


Andrew Pepoli

Attest by the Administrative Assistant:


Jennifer Doherty