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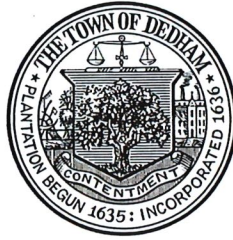
TOWN OF DEDHAM
CLERKS OFFICE

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Jason L. Mammone, P.E.
Sara Rosenthal, AIA, LEED AP

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Andrew Pepoli



Dedham Town Hall
26 Bryant Street
Dedham, MA 02026-4458
Phone 781-751-9240

Planning Director
Jeremy Rosenberger

Administrative Assistant
Jennifer Doherty

ZONING BOARD OF APPEALS

DECISION

Applicant:	Azis Sharxhi
Project Address:	37 Farrington Avenue, Dedham, MA
Legal Notice:	Special Permit and/or Variances to construct a front porch and second story rear addition; proposed additions would intensify and maintain pre-existing nonconforming front yard setback (7.3 ft.) and right side yard setback (8.3 ft.) where 25 ft. is required for a front yard setback and 10 ft. is required for a side yard setback.
Section of Zoning Bylaw:	Dedham Zoning Bylaws Section 3.3, 4.1, 9.2 and 9.3
Zoning District, Map & Lot:	General Residence (GR), Map/Lot: 56/33
Date of Public Hearing:	October 16, 2019
Date of Decision:	October 16, 2019
Vote:	5-0
Voting Members:	James F. McGrail, Esq., Gregory Jacobsen, Jason Mammone, P.E. and Sara Rosenthal, AIA, LEED AP
Date Filed with Town Clerk:	October 23, 2019

The Zoning Board of Appeals (ZBA) of the Town of Dedham held a public hearing on Wednesday, October 16, 2019 at Dedham Town Hall, 26 Bryant Street, Dedham, MA. Present were members, Chairman James F. McGrail, Esq., Gregory Jacobsen, Scott Steeves, Jason Mammone, P.E., and Sara Rosenthal, AIA, LEED AP. The hearing was duly advertised and notified pursuant to the requirements of MGL Chap. 40A Sec. 11 and the Town of Zoning Bylaw. Copies of all plans referred to in the decision and the detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning and Zoning Department. The minutes of the hearing are the primary source of evidence and are incorporated herein by reference.

On September 18, 2019 the Applicants submitted an application which included:

1. Zoning Board of Appeals Application
2. Plot plan entitled "Proposed Addition, 37 Farrington Avenue, Dedham, MA", dated August 16, 2019 and revised October 3, 2019, and prepared by Essex Eng. & Survey of West Newton, MA.
3. Floor plans and elevations entitled "PROP. Addition and Renovation, 37 Farrington Avenue", Drawing No.'s A-1 thru A-12, S-1 thru S-5, dated September 15, 2019 and prepared by Dizarson Construction of Newton, MA.

The subject property is known and numbered as 37 Farrington Avenue, Dedham, Massachusetts, and is shown on Dedham Assessors Map 56, Lot 33. The certified plot plan shows that the Subject Property contains 3,600 +/- sq. ft. of land. The Dedham Zoning Pap indicates that the Subject Property is located in a General Residence (GR) Zoning District. The premises are currently occupied by a single-family dwelling with detached accessory shed.

On October 16, 2019, the Chairman called for the hearing on the appeal of Azis Sharxhi of 37 Farrington Avenue, Dedham, MA. Peter Heaney, the Applicant's builder, spoke on behalf of Mr. Sharxhi and explained he is seeking to increase the sizes of the existing three bedrooms and provide an additional bathroom (there is currently one bathroom). Mr. Heaney explained the additional sq. ft. is to accommodate the Applicant's growing family.

The Applicant discussed the project satisfies the requirements and criteria for the issuance of the requested special permit and/or variance. The adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or neighborhood considering these requirements and criteria.

The Chairman asked if there were any questions from the audience regarding the Applicant's proposal. There were none. The Chairman then asked if the Board had any questions for the Applicant regarding the proposal. Mr. Mammone stated the existing accessory shed per the submitted plans straddled the side yard lot line. Mr. Heaney replied they would move the shed to comply with the five (5) ft. accessory structure setback requirement. There were no additional comments.

Upon motion being duly made and seconded, the ZBA voted unanimously (5-0) to grant such the requested special permit and/or variance with the condition the accessory shed be located 5 ft. from the side yard setback. In granting said special permit and/or variance, the ZBA finds that the Applicant has satisfied the

requirements Section 10 of Chapter 40A of the General Laws of Massachusetts, to wit: a literal enforcement of the Dedham Zoning By-Law requirements would cause a substantial hardship to Applicant, and that the relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Dedham Zoning By-Law.

The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no variance and/or special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed and that no variance and/or special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty 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.

Appeals of this decision, if any, shall be made pursuant to Section 17 of the Chapter 40A of the General Laws of the Commonwealth of Massachusetts and shall be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

Date: October 23, 2019

Attest by the Zoning Board of Appeals:

James F. McGrail, Esq.
James F. McGrail, Esq., Chairman

J. Gregory Jacobsen
J. Gregory Jacobsen, Vice Chair

Scott M. Steeves
Scott M. Steeves

Jason Mammone, P.E.
Jason Mammone, P.E.

Sara Rosenthal
Sara Rosenthal, AIA, LEED A

Attested to by Administrative Assistant

Jennifer Doherty
Jennifer Doherty

