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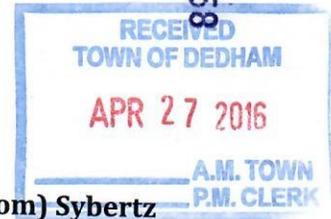
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**TOWN OF DEDHAM
ZONING BOARD OF APPEALS
DECISION**



APPLICANT/OWNER:

Walter J. and Jennifer L. (Ekbohm) Sybertz

PROJECT ADDRESS:

72 Border Street, Dedham, MA

CASE #

VAR-03-16-2076

MAP/LOT AND ZONING DISTRICT:

143/119, General Residence

DATE OF APPLICATION:

March 21, 2016

MEMBERS PRESENT AND VOTING:

J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter

PETITION:

To be allowed a Special Permit to expand a non-conforming structure by adding a front porch, two front window dormers, and a second floor full dormer; to be allowed a variance to construct a porch that will be 14.7 feet from the front yard setback instead of the required 20 feet, a variance to construct two front window dormers that will be 5.5 feet from the left side yard setback instead of the required 10 feet, and a variance to construct the second floor full rear dormer that will be 4.5 feet from the left side line setback instead of the required 10 feet in a General Residence zoning district.

SECTION OF ZONING BYLAW:

Town of Dedham Zoning Bylaw Sections 4.1 and 4.3.2, MGL Chapter 40A, Sections 9 and 10

REPRESENTATIVE:

Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA

DATE FILED WITH TOWN CLERK:

April 27, 2016

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, April 20, 2016, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. Chairman James F. McGrail, Esq., was unable

to be present for the meeting due to a conflict, so Vice Chairman J. Gregory Jacobsen assumed the chair. He appointed Associate Member Jessica L. Porter to sit in Mr. McGrail's stead.

The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and notification regarding each hearing was sent to the neighboring towns (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 Dedham Planning/Zoning Department.

At 7:15 p.m., the Chairman called for the hearing on the petition of Walter J. and Jennifer L. (Ekbon) Sybertz, 72 Border Street, Dedham, MA, to be allowed a special permit to expand a non-conforming structure by adding a front porch, two front window dormers, and a second floor full dormer; to be allowed a variance to construct a porch that will be 14.7 feet from the front yard setback instead of the required 20 feet, a variance to construct two front window dormers that will be 5.5 feet from the left side yard setback instead of the required 10 feet, and a variance to construct the second floor full rear dormer that will be 4.5 feet from the left side line setback instead of the required 10 feet in a General Residence zoning district (*Town of Dedham Zoning Bylaw Sections 4.1 and 4.3.2, MGL Chapter 40A, Sections 9 and 10*). The Applicant was represented by Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 72 Border Street, Dedham, MA, and is shown on Dedham Assessors' Map 143 Lot 119. The certified plot plan indicates that the Subject Property contains 8,400 square feet of land and has 60 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the General Residence zoning district. Currently, the property is occupied by a single family dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1947.

The Applicants live in a nonconforming structure that does not meet the sideline setback. They are requesting a Special Permit to expand the house by adding a front porch, a full rear dormer, and two front window dormers. They are seeking variances for a front porch that would have a front yard setback of 14.7 feet instead of the required 20 feet, construction of two front window dormers, the left one that will be 5.5 feet from the left side yard instead of the required 10 feet, and a full shed dormer that will be 4.5 feet from the left side yard instead of the required 10 feet. They need more living space, so, rather than moving, the improvements provide this, and would be very compatible with the neighborhood. Rangel DaRosa, 66 Border Street, signed a petition in favor of the application. No one else was present to either support or object to the petition.

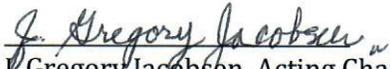
Upon motion being duly made by Scott M. Steeves and seconded by Jessica L. Porter, the ZBA voted unanimously (5-0) to grant and approve a special permit to expand a non-conforming structure by adding a front porch, two front window dormers, and a second floor full dormer; to be allowed a variance to construct a porch that will be 14.7 feet from the front yard setback instead of the required 20 feet, a variance to construct two front window dormers that will be 5.5 feet from the left side yard setback instead of the required 10 feet, and a variance to construct the second floor full rear dormer that will be 4.5 feet from the left side line setback instead of the required 10 feet in a General Residence zoning district. In granting said special permit and variances, the ZBA finds that the adverse effects of Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood.

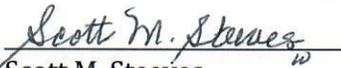
The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said variance, the ZBA finds that, after consideration of the criteria Dedham Zoning By-Law, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

The Applicant was advised that, in accordance with MGL Chapter 40A, Section 11, no variance shall take effect until the Town Clerk certifies a copy of the decision stating that 20 days have elapsed since the decision was filed with that office, and that no appeal has been filed within

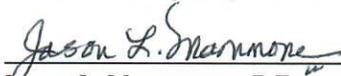
such time. The decision must then be recorded in the Norfolk Registry of Deeds, or the land Registration Office of Norfolk County.

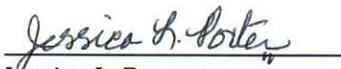
Dated: April 20, 2016


J. Gregory Jacobsen, Acting Chairman


Scott M. Steeves


E. Patrick Maguire, LEED AP


Jason L. Mammone, P.E.


Jessica L. Porter

Attest, by the Administrative Assistant:


Susan N. Webster

Materials Submitted:

- ZBA application
- Petition statement prepared by Keven F. Hampe, Esq., 411 Washington Street, Dedham, MA
- Certified plot plan prepared by DeCelle Burke & Associates, Inc., 1266 Furnace Brook Parkway, #401, Quincy, MA 02169
- Petition in support of application