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J. Gregory Jacobsen
Scott M. Steeves
E. Patrick Maguire
Jason L. Mammone, P.E.
P00-44.
JH Rumpp, Alternate
Jessica L. Porter, Alternate

TOWN OF DEDHAM

Commonwealth of Massachusetts



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ZONING BOARD OF APPEALS 26 Bryant Street Dedham, Massachusetts 02026

DECISION

Case # VAR-05-11-1384
Applicant: Ganem Elkhoury
Address: 135 Whitehall Street Dedham, MA
Map/Lot: 80/103
Date of Hearing: June 23, 2011
Date of Filing: July 19, 2011

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held a public hearing on Thursday, June 23, 2011, at 7:00 p.m. in the Town Office Building, 26 Bryant Street, Dedham, MA. Present at the hearings were members of the ZBA, James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire and Jason L. Mammone, P.E. The hearings and meetings of the ZBA were duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11.

At 9:42 p.m. on Thursday, June 23, 2011, the Chairman called for the hearing on the petition of Ganem Elkhoury for a front yard setback of thirteen (13) feet instead of the required 25 feet. Mr. Elkhoury would like to construct a permanent awning on property located at 135 Whitehall Street *Town of Dedham Zoning By-Law Section 4.0, Table of Dimensional Requirements*.

The one page transcript from the hearing is the primary source of evidence and is incorporated herein by reference.

The Applicant presented the following to the Board:

- Zoning Board of Appeals application, request for abutters list, and authorization form for publication in *The Dedham Times*
- Certified plot plan for 135 Whitehall Street, Dedham, prepared by Michael A. Coleman, Professional Land Surveyor, 17 Accord Park Drive, Unit 102, Norwell, MA

Mr. Elkhoury explained that he has a handicapped son, who needs protection from the sun, snow, and rain when he is wheeled into the house. The awning will go over the handicapped ramp to protect it from the elements.

No one appeared before the Board in support or opposed to this petition.

Upon motion being duly made by Scott M. Steeves and seconded by E. Patrick Maguire, the ZBA voted unanimously (5-0) to grant the requested variance. The Zoning Board of Appeals was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that he 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.

The applicant is advised that no building permit or variance will become effective until twenty (20) days have elapsed from the filing of this decision with the Dedham Town Clerk. The Applicant is also advised to file this decision in the Norfolk County Registry of Deeds. The Dedham Building

Department will not issue a building permit without evidence of this decision on file at the Norfolk Registry of Deeds. In addition, the Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

Dated: July 19, 2011

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Mines F. McGrail, Esq. *ed*-----

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J. Gregory Jacobsen

Scott M. Steeves-----
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E. Patrick Maguire

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