

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Alex Miranda
Petitioner

PROPERTY OWNER: Alex Miranda
27 Barber Street
Medway, MA 02053

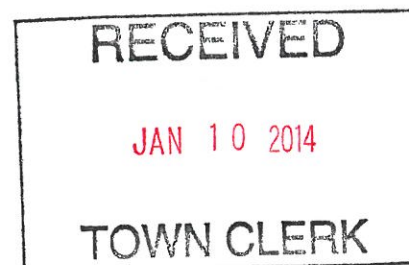
OPINION OF THE BOARD

REQUEST FOR Special Permit
27 Barber Street
Medway, MA 02053

Hearing: November 20, 2013
Decision: November 20, 2013

MEMBERS PRESENT: David Cole, Chairman
Arlene Doherty, Clerk
Anthony Biocchi
Carol Gould
Craig Olsen

THE WRITTEN OPINION WAS DELIVERED ON JANUARY 8, 2014



*20 day appeal date
Jan 30, 2014*

OPINION OF THE BOARD

This is a proceeding of the Zoning Board of Appeals of the Town of Medway, MA (hereinafter the Board) acting under the Zoning By-Laws of the Town of Medway, MA, 02053 and the Massachusetts General Law Chapter 40A, as amended, in which the petitioners, Alex Miranda, requests a Special Permit V F7 to construct a shed located at 27 Barber St., Medway, MA 02053

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on November 6 and 13, 2013. Notice also was sent to all "parties in interest" and posted in the Town Hall as required by Massachusetts General Laws Chapter 40A, Section 11.

The Public Hearing was held and the record closed on November 20, 2013. At the hearing, two members of the public spoke in favor of, and no one spoke in opposition to the application.

Hearing Summary

The Applicant, Alex Miranda, seeks relief from front setback requirements at 27 Barber Street, a corner lot and located within the ARII zoning district. Miranda appeared on his own behalf and explained that although the subject lot was technically a corner lot subject to the 35 foot front setback requirement along both adjoining streets, there were no buildings close to the subject lot along Winter Street (i.e., along the North side of the subject lot) and indeed Winter Street did not give access to other occupied lots. It was essentially impossible to place the desired shed in a position conforming to the 35 foot setback on both streets and the other required setbacks without placing the shed inconveniently close to the house; allowing a reduction in setback along (the essentially non-functioning) Winter Street would permit placement of the shed a convenient distance from the house without inconveniencing anyone else. The setbacks of several structures in the neighborhood, for example the garage on the lot immediately to the South, are less than the requested 15 feet.

Findings

By vote of 5-0

1. Setbacks of buildings on neighboring lots vary from the 35 ft. setback requirement of the zoning district.
2. The applicant demonstrated no neighbor on the North side of the subject lot would be inconvenienced by reduction of the front setback on the side from 35 feet to 15 feet.
3. The grant of a Special Permit under Section V.F.7 of the Medway Zoning By-Law would not cause substantial detriment to the public good.
4. The project as proposed meets all of the Special Permit criteria set forth out in Section III.J of the Medway Zoning By-Law.

Relief Granted:

By Vote of 5-0:

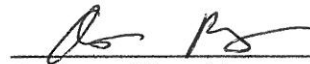
Grant a Special Permit, pursuant to Section V.F.7 of the Zoning By-Law, to the applicant, Alex Miranda, for a reduction in setback requirements from 35 to 15 ft. on the northern boundary along Winter St. for the construction of a 12'x20' shed at 27 Barber St, Medway, MA 02053.

The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or diagram received by it, directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.

**IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW,
CHAPTER 40A, SECTION 11 NO VARIANCE, SPECIAL PERMIT OR
CONSTRUCTIVE GRANT OF A VARIANCE TAKES EFFECT UNTIL
RECORDED IN THE REGISTRY OF DEEDS.**



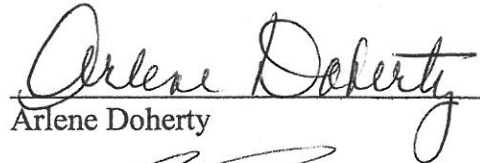
David Cole, Chairman



Anthony Biocchi



Carol Gould



Arlene Doherty



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