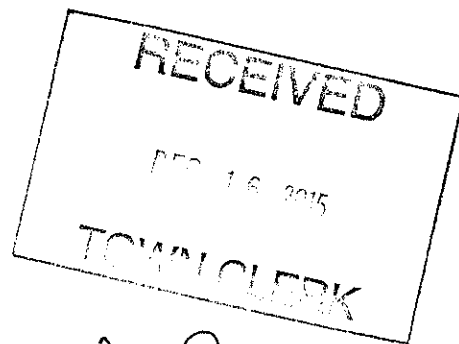


COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: **Maria Varrichione**  
**Petitioner**



*20 Day*  
*Jan 5, 2015*

**OPINION OF THE BOARD**

**REQUEST FOR A VARIANCE**  
**8 Temple Street, Medway, MA**

**Hearing: December 2, 2015**  
**Decision: December 2, 2015**

**MEMBERS PRESENT:** **David J. Cole, Chairman**  
**Carol Gould, Clerk**  
**Craig Olsen, Member**  
**Brian White, Associate Member**

**THE WRITTEN OPINION WAS DELIVERED ON December 16, 2015**

## **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 Bylaw of the Town of Medway, MA, 02053, and Massachusetts General Laws, Chapter 40A, as amended, in which the petitioner, Maria Varrichione requests a Variance from the requirements of Section 6.1 Table 2 of the Zoning Bylaw to allow for a 7ft side setback where a minimum of 15ft is required for the replacement of an existing garage on property located at 8 Temple Street, Medway.

### **Hearing**

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on November 18 and 25. Notice also was sent to all "parties of interest" and posted in the Town Hall as required by Massachusetts General Laws, Chapter 40A Section 11.

The Public Hearing opened and closed on December 2, 2015. The Medway Zoning Board of Appeals members present during the public hearing were David Cole, Chairman; Carol Gould, Clerk; Craig Olsen, Member; and Brian White, Associate Member. Mr. White participated remotely on December 2, 2015 pursuant to the Massachusetts Open Meeting Law regulations 940 CMR 29.00. The Board voted on the request for a variance on December 2, 2015.

At the hearing, there were no members of the public that spoke in favor or opposition of the application.

### **Hearing Summary**

The applicant, Maria Varrichione, appeared before the Board to discuss the request for a Variance for the property located at 8 Temple Street.

Ms. Varrichione explained the request for a variance from the Board. There is an old run-down garage on the property which sits 7ft from the side property line. With this present configuration, it creates a 2ft alley which has caused issues in the past. Ms. Varrichione seeks to keep the garage on the same plane but would like to move it back towards the rear lot line. She noted that there is a very slight increase to the side setback but only by a few inches which will make the structure a little less nonconforming with respect to the same setback. Ms. Varrichione explained that essentially this is the only location on the property to place the garage.

The Board questioned the applicant on how the request meets the criteria for a variance under MGL c. 40A Section 10. The Board asked how far away is the nearest neighbor's building. Ms. Varrichione estimated 100ft. The Board also inquired what will happen to the existing garage. Ms. Varrichione responded that the structure will be demolished. The Board agreed that they do not have an issue with this request. The Board recognized that the new location would be better from a safety standpoint.

**Findings:**

By a roll call vote of 4-0-0 (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye):

1. The Board finds that the new garage is no closer to the side property line than the preexisting nonconforming garage existing on the property.
2. The Board finds that the nearest adjacent structure from the northern property line next to the garage is approximately 100 feet.
3. The Board finds that the lot is subject to conditions of topography especially affecting such lot but not generally affecting the zoning district in which the lot is located; specifically in view of the unusually small dimensions of the subject lot, the position and size of the existing dwelling and the location of the bituminous driveway, and the desired ability of spacing the new garage a greater distance from the dwelling than the existing garage, the proposed location of the new garage represents the only practical location available on the subject property.
4. The Board finds that the grant of the requested variance would not be substantially detrimental to the public good and would not nullify or derogate from the intent or purpose of the Bylaw.

**Relief Granted:**

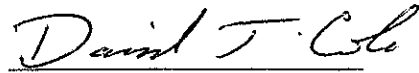
By a roll call vote of 4-0-0 (David Cole – aye; Carol Gould – aye; Craig Olsen – aye; and Brian White – aye):

The Zoning Board of Appeals hereby grants a Variance from Section 6.1 of the Medway Zoning Bylaw to the applicant, Maria Varrichione, to allow construction of a proposed garage with a reduced side setback of the north property line to 7 feet on property located at 8 Temple Street, Medway in accordance with the plans submitted.

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.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to MGL c. 40A, Section 17, within twenty (20) days after the date of filing this Decision with the Town Clerk.

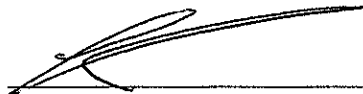
In accordance with MGL c. 40A, Section 17, no variance shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, that it has been dismissed or denied, is recorded in the Norfolk County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.



David J. Cole, Chairman



Carol Gould, Clerk



Craig Olsen, Member



Brian White, Associate Member