

**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, SS**

**IN THE MATTER OF:     Paul J. Rojee  
                              Michael E. Rojee  
                              Petitioners**

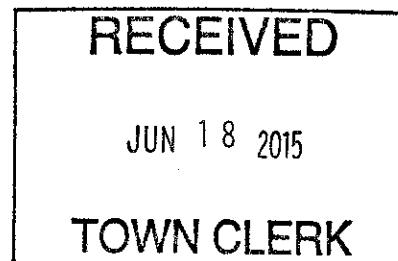
**OPINION OF THE BOARD**

**REQUEST FOR A VARIANCE  
51 North Street, Medway, MA**

**Hearing: May 6, 2015  
Decision: May 20, 2015**

**MEMBERS PRESENT:     David J. Cole, Chairman  
                              Carol Gould  
                              William Kennedy  
                              Craig Olsen**

**THE WRITTEN OPINION WAS DELIVERED ON June 17, 2015**



*20 day appeal  
July 8, 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 By-Law of the Town of Medway, MA, 02053, and Massachusetts General Laws, Chapter 40A, as amended, in which the petitioners, Paul J. and Michael E. Rojee, requests a Variance from the requirements of Section V.F.3 for a three family residence located at 51 North 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 April 22 and 29. 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 on May 6, 2015 and was continued without testimony to May 20, 2015. The Public Hearing closed on May 20, 2015. At the hearing, no members of the public spoke in favor of or in opposition to the application.

### **Hearing Summary**

The applicants' attorney, Mr. Paul Kenney, appeared before the Board to request a Variance from a two family residence for a three family residence, located at 51 North Street, Medway.

Mr. Kenney stated that the property has an area of approximately 35,919 square feet and contains a 3,400 square foot multi-family residence constructed in 1895. The petitioners' family has owned the residence since 1950, and the residence was used as a three family residence for the majority of the time until 2011. Mr. Kenney further described the physical attributes of the three units and that each unit is wired separately for electrical service. The property is sufficient in area and has nine parking spaces to support a three family residence. He also noted that there would be no change to the property, as no interior or exterior renovations are needed because the three units already exist.

Mr. Kenney explained that by not being able to rent out the pre-existing third unit creates a financial hardship for the Rojees. He noted that conversion to a three family would alleviate the carrying costs of the property for the petitioner who lives at the property and is on a fixed income. Mr. Kenney added that there is a significant slope from the rear of the property to North Street, which does not affect other properties in the neighborhood.

**Findings:**

By votes of 4-0:

1. The applicant demonstrated that the subject premises was used as a three family residence for an extended period from approximately 1959-2011 and that the subject premises are still arranged as three separate apartments.
2. The applicant demonstrated circumstances relating to the shape, topography and soil condition of the subject premises which do not generally affect other land in the zoning district.
3. The applicant demonstrated that a literal enforcement of the Zoning By-Law, namely maintaining the subject premises as a two family dwelling would impose substantial financial hardship on the applicant.
4. The grant of the requested Variance would not cause substantial detriment to the public good.

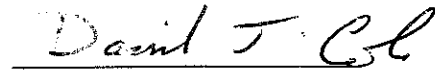
**Relief Granted:**

By vote of 4-0:

The Zoning Board of Appeals hereby grants a Variance from Section V.F.3 to Paul and Michael Rojee for 51 North Street, Medway for the use of the premises as a three family residence subject to the condition that at least nine (9) off street parking spaces shall be provided on the premises.

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.

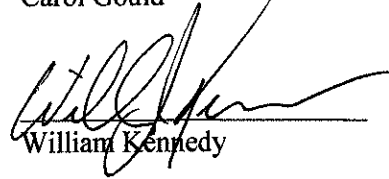
**IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW CHAPTER 40A,  
SECTION 11, NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A  
VARIANCE TAKES EFFECT UNTIL RECORDED IN THE REGISTRY OF DEEDS.**



David J. Cole, Chairman



Carol Gould



William Kennedy

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Craig Olsen