

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

**IN THE MATTER OF: Sean & Alisha Weddeke
Petitioners**

**PROPERTY OWNER: Sean & Alisha Weddeke
91 Village Street
Medway, MA 02053**

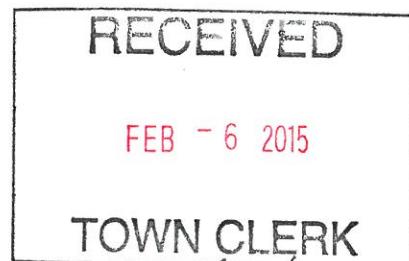
OPINION OF THE BOARD

**REQUEST FOR Special Permit
91 Village Street
Medway, MA 02053**

**Hearing: January 7, 2015
Decision: January 7, 2015**

**MEMBERS PRESENT: David Cole, Chairman
Tony Biocchi
Carol Gould, Clerk
Craig Olsen
William Kennedy**

THE WRITTEN OPINION WAS DELIVERED ON February 4, 2015



30 day appeal date Feb 26, 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-Laws of the Town of Medway, MA, 02053 and the Massachusetts General Law Chapter 40A, as amended, in which the petitioners, Sean & Alisha Weddeke, requests a Special Permit under Section VF7 to construct a shed located at 91 Village Street, 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 December 24th and 31st, 2014. 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 was held and the record closed on January 7, 2015. At the hearing, no members of the public spoke in favor of, and one spoke in opposition to the application.

Hearing Summary

The Applicants, Sean & Alisha Weddeke, and their Attorney Andrej Thomas Starkis, came before the Board to seek relief from side and rear setback requirements at 91 Village Street located within the ARII Zoning District, for the construction of a above ground 12’x 24’ shed behind the existing garage at the rear of their lot, which is wider than it is deep. They are seeking an exception to the 15’ side and rear yard setbacks required. The proposed shed location abuts an unbuildable wooded area and two adjacent lots with structures within setbacks on their lots. None of the structures are visible from passersby or non-adjacent neighbors, and the Weddekes have discussed their plans with their neighbors, none of whom has express any objection or concerns. The Shed will be 24 feet long, no foundation, just pressure treated wood base.

Tom Hall, Canal Realty Trust, owns the lot behind the petitioner. Mr. Hall requested clarification of the petition. He questioned the need for 8’ from his property line. Clarifying that they showed that other neighbors do not comply to setbacks, therefore this would not be out of conformity in the neighborhood. The proposed shed will be approximately 12’ in height. The Chairman asked if Mr. Hall would like to make a statement to the board. Mr. Hall stated that the neighborhood is too congested and feels the shed will add to the congestion.

Findings

By vote of 5-0

1. The applicants demonstrated that the rear and side setbacks in the immediate neighborhood varied from the requirements of the Zoning By-Law, in particular several lots in the neighborhood had rear setbacks substantially less than the 8 feet requested by the applicants.

2. The grant of the requested waiver of the rear and side setbacks would not be detrimental to the public good.
3. Grant of the requested relief would not be inconsistent with the criteria for special permits set forth in Section IIIJ of the Zoning By-Law.

Relief Granted:

By Vote of 5-0:

The Board Grants, to the applicants, Sean & Alisha Weddeke, 91 Village Street, a waiver, in according with the revision of Section VF7 of the Medway Zoning By-Law, to construct an above ground 12' x 24' foot shed adjacent of the south and east corner of the lot, with reduction of the side setback to not less than 10 feet and a reduction of the rear of not less than 8 feet.

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

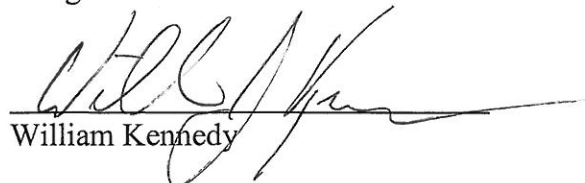


Anthony Biocchi



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