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TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS

SPECIAL PERMIT

*James Evans, owner
73 Dedham Avenue
Map 47, Parcel 40*

October 17, 2019

James Evans made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 4.2.1, 7.5.2, and any other applicable Sections of the By-Law to permit the extension, alteration, and enlargement of a lawful, pre-existing, non-conforming single-family dwelling to enlarge the second floor front dormer. The property is located at 73 Dedham Avenue, Needham, MA in the General Residence District. A public hearing was held in the Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, October 17, 2019 at 7:30 p.m.

Documents of Record:

- Application for Hearing dated September 19, 2019, Clerk stamped September 19, 2019.
- Proposed Plot Plan, prepared and stamped by Michael Paul Antonino, land surveyor dated September 10, 2019.
- Needham Assessor Property Card.
- B/W photograph of front.
- Architectural Plans & Elevations, Sheets 1-6, prepared by Sami LLC, stamp by Sami E. Kassis, professional engineer, dated October 2, 2019.
- Revised Architectural Plans & Elevations, Sheets 1-5, prepared by Sami LLC, stamp by Sami E. Kassis, professional engineer, dated October 4, 2019.
- Existing Front and Proposed hand drawings.
- Letter from Lee Newman, Director of Planning and Community Development, September 3, 2019.
- Letter from Thomas Ryder, Assistant Town Engineer, October 8, 2019.
- Letter from Dave Roche, Building Commissioner, Building Department, October 4, 2019.
- Town Assessing Real Property Record Card, 1937-2002.

October 17, 2019

The Board included Jon D. Schneider, Chairman; Jonathan D. Tamkin, Member; and Howard

S. Goldman, Member. Also participating was Kathy Lind Berardi, Associate Member.

Mr. Schneider opened the hearing at 7:33 p.m. by reading the public notice.

James Evans, owner, reported that he was planning to expand the second story dormer to his legal non-conforming single-family home. The expansion will increase the existing front bedroom to allow for 2 bedrooms. The addition will not expand any further than the present limits of the existing roofline. The property is currently a 3 bedroom and will remain so after the alteration.

The house sits on a 4,180-sf lot, with 38' frontage. The south side setback is 11.3' and the north side setback is 4.7'. The property is non-conforming as to lot size, frontage and one side setback.

The property was built in 1927 prior to the establishment of side setbacks. Mr. Evans provided a Town assessing card confirming the property age.

Comments received:

- The Planning Board had no comment.
- The Engineering Department had no comment.
- The Building Commissioner noted that the proposed project requires a special permit under Section 1.4.7.2.

There were no public comments.

Mr. Goldman moved to grant a Special Permit to permit the alteration and enlargement to front dormer to the existing house at 73 Dedham Avenue, provided that the dormer not expand any closer than the existing side setback. Mr. Tamkin seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:45 p.m.

Findings:

On the basis of the evidence presented at the hearing, the Board makes the following findings:

1. The applicant, James Evans, seeks the extension, and alteration of a lawful, pre-existing, non-conforming single-family dwelling and to enlarge the second-floor front dormer.
2. The property is located at 73 Dedham Avenue, Needham, MA in the General Residence District.
3. The property is non-conforming as to lot size, frontage and one side setback. The current side yard setback for the property on the northeast side is 4.7 feet at the closest point, whereas the By-Law requires a minimum side yard setback of 10 feet in the General Residence District for lots created before 1986.
4. The applicant submitted a copy of the Town Assessing Real Property Card, 1937-

2002, which indicates that the house was built in 1924, well before the passage of the By-Law requiring a minimum side setback.

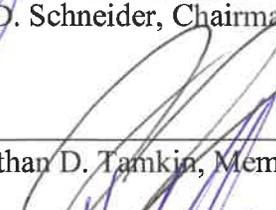
5. Based on the evidence presented by the applicant, the Board finds that the structure located at 73 Dedham Avenue was constructed prior to the adoption of the side setback requirement. Therefore, the structure is a lawful pre-existing, non-conforming building as to the side setback.
6. The application includes a proposal to extend, alter and enlarge the existing structure and to enlarge the second-floor front dormer but not to extend beyond the current 4.7-foot distance along the northeast side lot line of the property.
7. Sections 1.4.6 and 7.5.2 authorize the Board to grant a special permit allowing the alteration or reconstruction of a lawful pre-existing, non-conforming building if the non-conformity is not increased.
8. There was no public opposition to the applicant's proposed construction.
9. The proposed construction will not be substantially more detrimental to the neighborhood than the existing non-conforming structure nor will it place the structure in violation of any dimensional, parking or intensity regulation with which the structure was theretofore in conformity. The proposed construction is consistent with the general purpose of the By-Laws and is designed in a manner that is compatible with the existing natural features of the site and with the characteristics of the surrounding area.

Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the applicant a Special Permit, pursuant to Section 1.4.6, 4.2.1 and 7.5.2 to extend and alter a lawful, pre-existing, non-conforming single-family dwelling and to enlarge the second floor front dormer in accordance with plans filed with the application and presented at the hearing; provided, however, that there shall be no construction or extension, inclusive of any roof overhangs or eaves, beyond the current non-conforming side setback.



Jon D. Schneider, Chairman



Jonathan D. Tamkin, Member



Howard S. Goldman, Member