

TOWN OF RANDOLPH
ZONING BOARD OF APPEALS

FINDINGS AND DECISION

FILE NO. ZBA 03-11

AUGUST 4, 2011

Decision of the Randolph Zoning Board of Appeals on the appeal and petition of Richard Brewer for the premises located at 691 North Street Randolph MA.; shown on Assessor's Map 17, Block J, Parcel 010.12., to Rebuild Garage on larger footprint.

Members present: Vice Chairman/Treasurer Arnold Rosenthal, Alexander Costa, Christopher Spears, and Alternates, Edward Gilbert and Teresa Yan.

All the legal provisions of the Zoning Act were complied with.

PROCEDURAL HISTORY

1. The petitioner filed their application on June 24, 2011 appealing a denial letter dated June 13, 2011.
2. The Zoning Board of Appeals opened a public hearing on August 4, 2011. The Board provided all notice required by applicable law prior to opening the hearing.
3. The members made site visits
4. The Board closed its public hearing on August 4, 2011.

DOCUMENTS RECEIVED INTO RECORD OF PUBLIC HEARING

The following documents were received into the record of the public hearing and are hereby incorporated by reference in this decision.

1. Denial letter dated June 13, 2011.
2. Application signed by Richard Brewer dated June 17, 2011.
3. Plan prepared by Donald Rosa, PLS and dated June 9, 2011.
4. Legal Notice published July 20, 2011 and July 27, 2011 in the Moneysaver.

The Randolph Zoning Board of Appeals will hold a Public Hearing on Thursday, August 4, 2011, at 7:00 P.M. at the Town Hall in accordance with the provisions of

M.G.L. Chp. 40A, on the application of Richard Brewer, on property located at 691 North Street Randolph, Massachusetts, to vary the terms of the Zoning By-laws, 200-29: Side Yard. In a residential district no building shall be erected within fifteen (15) feet of a side lot line for single family dwellings. Or any other section of the Zoning By-Law applicable to replace a Flood Damaged Garage on larger footprint.

FINDINGS AND REASONS for DECISION

200-29.A. Side yard setback, southerly side, from fifteen (15) ft. to five (5) ft.

owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Variance Hardship: Building has severe water damage and land is in two districts.

BOARD VOTE

On August 4, 2011, the Board voted unanimously in favor to grant the Variance. Vice Chairman/Treasurer Arnold Rosenthal, Alexander Costa, Christopher Spears, and Alternates, Edward Gilbert and Teresa Yan., voted in favor of the petition.

APPEAL PROCESS

Was read by the Vice Chairman/Treasurer Arnold Rosenthal,

Any person aggrieved by a decision of the Board of Appeals or any special permit granting authority, whether or not previously a party to the proceeding, or any municipal officer or board may appeal to the Superior Court Department for the County in which the land concerned is situated by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk.