



Department of Municipal Licenses and Inspections

Zoning Board of Appeals

1 JFK Memorial Drive – Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

Meeting Minutes

December 16, 2014

IN ATTENDANCE: Stephen Karll, Chairman
Richard McDonough, Member
Michael Ford, Member
Michael Calder, Member

ALSO PRESENT: Russell Forsberg, Inspector of Buildings
Peter Morin, Town Solicitor

Mr. Karll called the meeting to order at 7:02pm.

OLD BUSINESS:

- 1) Petition Number: 14-30**
Petitioner: James F. Radar, Manager of 400 West, LLC
RE: 400 West Street

Present: Carl Johnson, Attorney representing Brian Noble, an abutter in opposition.

Mr. Karll advised the Board that the petitioner has submitted a written request to withdraw the petition without prejudice.

On a motion made by Mr. Calder and seconded by Mr. McDonough, the Board voted 3-0 to grant the petitioners request to withdraw the petition without prejudice.

NEW BUSINESS:

- 2) Petition Number 14-36**
Petitioner: John O'Leary and Marijoy K. Eisele
RE: 17 Jay Street

Present: John O'Leary, petitioner

This is a petition filed by the owner John O'Leary, the owner of 17 Jay Street. Pursuant to Sections 135-402 and 403 of the Zoning Bylaw, he seeks relief from Section 135-701 to alter a pre-existing nonconforming

structure on a nonconforming lot by constructing a master bedroom suite above an existing garage. The property in question is a single family residence located in a Residence B District as described on Assessor's Plan 2078 Plot 3D. The lot contains approximately 17,476 square feet

Notice

Pursuant to notice duly published in a newspaper of general circulation in the Town, posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was scheduled for December 16, 2014, before the Zoning Board of Appeals at 7 p.m. at Braintree Town Hall, One J.F.K. Memorial Drive, Braintree, MA. Sitting on the petition were Chairman Stephen Karll, Michael Calder and Richard McDonough.

Evidence

The petition was presented by the owner, Mr. O'Leary. He proposed to add a 22 foot wide by 26 foot deep master bedroom suite above his existing garage, to make the current dwelling a five bedroom home. There would be a two foot overhang over the rear of the garage portion of the dwelling. The garage is presently only 5.4 feet from the side property line, where a 10 foot setback is normally required. The lot is narrow and does not comply with the minimum width requirements requirement being only 81 foot wide, while 100 feet is required. The existing dwelling complies with front and rear yard setback requirements. The height of the proposed addition will comply with the bylaw.

The Planning Board voted 4-0-0 to take no position on the requested relief. No one spoke in opposition and the hearing was closed.

Findings

The Board agreed with the petitioner that the lot shape created a hardship requiring relief. Furthermore, the Board determined that the resulting structure would not be substantially more detrimental to the neighborhood and that relief could be granted without nullifying or denigrating the intent or purpose of the Zoning Bylaw.

Decision

On motion made by Mr. Calder and seconded by Mr. McDonough, it was unanimously voted 3-0 to grant the requested relief, subject to the plans presented.

APPROVAL OF MINUTES:

On a motion made by Mr. Calder and seconded by Mr. McDonough, the Board voted 4-0 to accept the meeting minutes of November 25, 2014.

The Board adjourned the meeting at 7.29 pm.