

JEFFREY P. REILLY and CATHERINE M. REILLY

8 Coolidge Way, Dennis

ZONING BOARD OF APPEALS

NARRATIVE OF PROJECT

The Applicants, Jeffrey P. Reilly and Catherine M. Reilly, are the owners of the property at 8 Coolidge Way, Dennis, Massachusetts. The Property is located in the R-40 Zoning District, contains approximately 9,230 square feet, is denoted as Lots 11 and 12 on Land Court Plan 12333-B (Sheet 2) and is improved with a two story single family dwelling built in 1946. The lot is denoted as Parcel 17 on the Dennis Assessor's Map 345. The lots shown on Land Court Plan 12333-B, which is dated 1930, have frontage on a road labeled on such plan as "Way", and is noted to be 25 feet in width. In 1971, the Town of Dennis registered a document, entitled "Order of Taking of an Easement in Land in Dennis, Barnstable County, Massachusetts, by the Selectmen for Town Way Known as Coolidge Way" in the Land Court Division of the Barnstable County Registry of Deeds as Document 146,359 (the Easement). The Easement measures 40 feet in width, which reduced the Applicant's lot size from 9,230 sf to 8,480 sf. The property currently has a lot coverage of 13.7%, with 424 square feet of area in the setbacks. The property encroaches into the front and left side setback.

The Applicants intend to raze and replace the structure with a new single family dwelling with an attached garage, which, if utilizing the 9,230 sf calculation of lot area, would comply with all bulk requirements of the zoning bylaw. However, the Building Commissioner determined that a Special Permit would be needed and an application was filed. Town Counsel determined that although only an easement of 40 foot was taken, that the lot size for purposes of zoning would be the 8,480 sf, which creates a less non-conforming front yard encroachment and a lot coverage calculation which would now exceed 15%, and require a Variance.

It is the Applicants' position that they suffer a hardship due to the Town of Dennis taking an easement, that it was not self-created, that the shape of the lot now creates that hardship, and that allowing a Variance would not be in derogation of the zoning bylaw.