

Town of Dennis – Zoning Board of Appeals

Variance Application Narrative

Applicant: Steven J Nally

Property Address: 14 Judith Ann Road, Dennis, MA 02638

Assessor's Map / Parcel: [insert map/parcel number from Assessor's database]

Zoning District: [likely "Residential 40" or "Residential 20" – confirm with zoning map]

Relief Requested: Variance from §2.3.2 of the Dennis Zoning By-Law (Side Yard Setback)

Existing Use: Single-family dwelling (pre-existing, nonconforming)

Proposed Use: Single-family dwelling with minor addition

1. Background and Purpose of the Request

The applicant is the owner of a pre-existing single-family dwelling located at 14 Judith Ann Road in Dennis. The home was constructed circa 1945, prior to adoption of current zoning dimensional requirements. The lot contains approximately 5,998 square feet of area, with an irregular configuration and limited buildable width. The dwelling sits in a developed neighborhood of similar modest cottages, many of which were built before current zoning setbacks were established.

The applicant seeks to construct a modest addition of approximately [insert size, e.g., 10 × 12 feet] to provide [describe purpose — e.g., a small kitchen expansion / accessible bedroom and bath]. Due to the narrowness of the lot and the location of the existing structure, the proposed addition would encroach approximately [insert number, e.g., 2–3 feet] into the required [insert side setback, e.g., 10-foot] side yard setback.

2. Unique Circumstances Relating to the Property

Under M.G.L. c. 40A §10, a variance may be granted where the shape, topography, or soil conditions of a specific parcel create practical difficulty or hardship. In this case: The lot area and width are significantly smaller than currently required in this zoning district.

The irregular lot shape and placement of the existing dwelling constrain the available area for any addition. The dwelling predates zoning and therefore cannot reasonably be relocated to meet present-day dimensional standards. Nearby lots of similar size often have dwellings at comparable or lesser setbacks, showing that this condition is not self-created but inherent to the original neighborhood layout. These unique physical circumstances create a legitimate hardship in applying the by-law literally.

3. Substantial Hardship

Strict enforcement of the setback requirement would prohibit any reasonable expansion of the existing home. The hardship is not self-created; it arises directly from the lot's small size and existing building placement, which predate current zoning. The requested relief would allow modest improvements necessary for the home's safe, functional use — for example:

Providing adequate living space for year-round occupancy.

Meeting accessibility or modern building code requirements.

Enabling the installation of updated systems (e.g., septic or HVAC) within an efficient layout. Without the variance, the applicant would face a substantial hardship in making reasonable, necessary improvements to maintain the property's livability and value.