

**Town of Dennis  
Board of Appeals  
Application for Special Permit**

**Applicant/Owner:** Mary Susan Muirhead  
**Property Address:** 23 Stephen Phillips Road, East Dennis

The Applicant proposes to raze and replace a pre-existing nonconforming, two-story, single-family dwelling on a lot located in the R-60 zoning district which is nonconforming as to size (20,280 where 60,000 sf is required) and width (112' where 200' required in the R-60). The existing dwelling is pre-existing nonconforming as to front setback (39.3' where 75' required) and both side setbacks (20.4 (west) and 20.3 (east) where 30' required.) Both height (24.4' existing where 35'), rear setback and building coverage (11% where 15% allowed) are conforming. The dwelling includes a basement, first floor and partial second floor and an attached single-car garage. It is well-screened from neighbors to the right and left by mature plantings which will remain.

The proposed work will reuse the existing foundation to the extent feasible, retain the existing basement, and expand the existing dwelling including the following additions:

1. Modest first floor addition to expand garage (to remain single car garage) and to add a covered front porch access to garage and entry no closer than the existing footprint to Stephen Phillips or the east-side setback;
2. Rear first floor additions slightly expanding existing footprint and adding a 13' by 6.5' three season room, again as close as the existing dwelling's closest side setback; and
3. Adding a full second floor whereas the existing second floor is only partial.

As proposed, the dwelling will create no new nonconformities. It will be no closer to any of the nonconforming setbacks than the existing dwelling. The height will increase by three feet and remain conforming. (27.4' proposed). Building coverage will increase by just 692 sf (11% (2,233 sf existing, 14.5% or 2,925sf proposed where 15% (3,042 sf allowed)).

Given the higher front and side setback limits in the R60, of which the Property is just within, nearly all of the existing dwelling's floor area is nonconforming as to setback. The expansion proposed will not exceed the 40% rule (27.48% (1,088 sf increase in qualifying nonconforming floor area where 40% (1,584 +/- allowable). The Applicant notes that as existing and proposed, the dwelling is and will be located further away from Stephen Phillips Road than 2 Stone Wall Way, immediately to the west, which is located within the R-40 zoning district. In terms of massing, lot size, height, the dwelling, as proposed, is comparable to other dwellings in the neighborhood.

Special permit relief for the proposed work may be granted under MGL Ch. 40A section 6 and the Dennis Zoning Bylaw Section 2.4.1.2.B (B.1, B.2 and B.3). The Applicant anticipates no additional Board of Health relief but will consult with staff prior to the Zoning Board meeting and anticipates review by the Dennis Old King's Highway Historic District Committee prior to the hearing held by the Zoning Board of Appeals.