



**Town of Walpole  
Commonwealth of Massachusetts  
Zoning Board of Appeals**

John Lee, Chair  
Susanne Murphy, Vice Chair  
Bob Fitzgerald, Clerk  
Jane Coffey, Member  
Drew Delaney, Member  
David Anderson, Assoc. Member

**DECISION – BOARD OF APPEALS CASE NO. 20-35**

**APPLICANT:**

**Jeffrey Schnurr**

**SITE:**

**20 Winthrop Street, Walpole, MA 02081**

**Assessor's Lot No. 25-25**

The grant of a VARIANCE under Section 9.4.A. of the Zoning Bylaw to allow the construction of a single-bay 24' x 48' garage to have a 4.83 ft. side yard setback, where a fifteen (15) ft. side-yard setback is required in Zoning District RB.

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On January 6, 2021 a Public Hearing was opened via Zoom Meeting, the Board heard testimony for the purpose of receiving information and voting upon a decision as to the granting of the Variance requested. The members who were present and voting:

**NAMES OF VOTING MEMBERS**

John Lee, Chairman  
Susanne Murphy, Vice Chair  
Mary Jane Coffey, Member  
Drew Delaney, Member  
David Anderson, Assoc. Member

**VOTE OF THE BOARD:**

A motion was made by Murphy and seconded by Coffey, to grant the applicant a Variance under Section 9.4.A. of the Zoning Bylaw to allow the construction of a single-bay 24' x 48' garage with a 4.83 ft. side-yard setback, where a fifteen (15) ft. side-yard setback is required in Zoning District RB. The vote was 1-4-0. Roll call vote: Coffey- in favor; Lee-opposed; Murphy-opposed; Anderson-opposed; Delaney-opposed, therefore, the Variance is hereby denied.

## REASONS FOR DECISION

1. *Owing to circumstances relating to soil conditions, shape or topography of such parcel or to such structure, and especially affecting generally such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship to the appellant or petitioner.*

20 Winthrop Street is a 15,655 s.f. lot with a front-yard setback of 29.6 feet, and lies within the RB Zoning District, which requires 20,000 square feet of land and one hundred and twenty-five (125) feet of frontage. The building as erected on the lot is a pre-existing non-conforming structure. The shape of the lot is primarily square shaped in nature and is a corner lot that abuts Dudley Street and Winthrop Street. The Applicant stated that due to his future plans of constructing an addition to the other side of his home that abuts Dudley Street, the proposed garage must be placed within the location shown on the plans presented at the public hearing, "Proposed Addition Plan of Land in Walpole, MA re: 20 Winthrop Street", dated 9/19/20, stamped by Anthony M. Dellorco, P.L.S., of Colonial Engineering Inc. It was stated that the applicants existing single-family home is a one-story dwelling, and the proposed garage would be two stories in height.

The Board was not persuaded that an undue hardship exists, primarily because the applicant failed to mention and express any circumstances relating to soil conditions or topography of the property. The Applicant did state that the existing single-family home on the property was erected at an angle relating to its position on the lot, however, the Board failed to conclude that the lot is oddly shaped in nature in such a degree that would qualify as a substantial hardship. As stated on the plans submitted at the public hearing, the opposing side yard has ample room for an addition to be constructed by right, and within compliance of the side yard setback requirements for the RB Zoning District. When asked if the applicant would consider relocating the proposed garage to the other side-yard on the property, he concluded that it would not be possible due to the location of his current driveway, and future plans to move forward with constructing a sun-room addition to that side of the single-family home. The Board does not find that the placement of the single-family home relating to its slight angle on the lot, nor the applicants opposition to relocate the garage due to the want for a sun-room addition to the other side of the home is of the type of hardship that may justify the granting of a Variance.

2. *Desirable relief may be granted without substantial detriment to the public good.*

The proposed placement of the garage along the side of the home as shown on the plan submitted with the application would leave a setback of 4.83 feet, where fifteen (15) feet is required, along with a 29.9 foot rear-yard setback, where (30) feet is required. There are two homes located directly across from the applicants residence, one which has a two-car garage that is incorporated within the footprint of the home on the first floor, and the second home is a one-story single-family home that does not have a garage. During the public hearing, Lee read a letter submitted to the Zoning Board from a direct abutter of the applicant expressing opposition to the applicants proposal, which highlighted the following reasons for their opposition; both side-yard and rear-yard setbacks would be less than required for the RB Zoning District, with emphasis on the entire length of the proposed garage (48 ft.) substantially derogating from the (15) ft. side-yard setback requirement with the

applicants 4.83 ft. setback proposal; the proposed two-story garage would “loom” over the neighboring lot and would adversely effect the character of the neighborhood. The substantial deviation from the required setback, uncommon in this neighborhood, and the Board’s finding that a garage could be constructed within a different location on property, leads the Board to conclude that the grant of the Variance would constitute a substantial detriment to the public good.

**3. *Relief may be granted without nullifying or derogating from the intent or purpose of this bylaw.***

The intent of the Bylaw is to provide uniform regulation of buildings to establish reasonable expectations of neighbors and neighborhoods in terms of development within the neighborhood. The applicant, as previously mentioned in this decision, can by-right construct a garage on the property in a different location. Furthermore, the size and height of the proposed garage would cause detriment to the public good, as expressed in a letter of opposition by the applicants abutter, and is drastically inconsistent with the character of the neighborhood. Granting relief by a Variance would derogate from the intent and purpose of this bylaw due to the applicant failing to meet the stringent standards for granting a Variance that is required, and having created a self-imposed hardship.

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**APPEALS FROM THIS DECISION OF A BOARD OF APPEALS SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN TWENTY DAYS AFTER THE DATE OF FILING OF THE NOTICE OF DECISION IN THE OFFICE OF THE CITY OR TOWN CLERK.**

WALPOLE ZONING BOARD OF APPEALS

  
Robert Fitzgerald, Clerk

cc: Town Clerk  
Building Inspector  
Applicant

This decision was made on January 6, 2021 and filed with the Town Clerk on January 19, 2021.