



TOWN OF HINGHAM

Board of Appeals



NOTICE OF DECISION VARIANCE MODIFICATION

IN THE MATTER OF:

Applicant/Owner: Dale and Jeanne Shea
78 Kilby Street
Hingham, MA 02043

Subject Property: 78 Kilby Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 18514, Page 139

Plan References: Plan set showing floor plans of the Existing Structure, first and second floor layout and foundation as filed with the 2001 Variance application (7 sheets)

Amended second floor layout plan, referring to the room above the garage as a “bedroom” on the second floor plan, changing it from “storage” (1 sheet)

SUMMARY OF PROCEEDINGS:

This matter came before the Board of Appeals (the “Board”) on the application of Dale and Jean Shea (collectively, the “Applicant”) to modify plans approved in connection with a Variance, issued October 16, 2001 to allow a change in the use of the second story addition above the garage from a storage room to a bedroom at 78 Kilby Street in Residence District C.

The Board heard the application at a duly advertised and noticed public hearing on Tuesday, July 19, 2022, during a meeting held remotely via Zoom as an alternate means of public access pursuant to Chapter 107 of the Acts of 2022 and all other applicable laws temporarily amending certain provisions of the Open Meeting Law. The Board of Appeals panel consisted of its regular members, Robyn S. Maguire, Chair, Paul K. Healey and Jed Ruccio. The Applicant’s representative, John A. Laine, Esq. of Laine & Associate, P.C., along with the Applicant, attended the meeting to present the request. At the conclusion of the hearing, the Board voted unanimously to grant the requested modification of the plans associated with the Variance issued October 16, 2001.

Throughout the hearing, the Board has been mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

BACKGROUND AND DISCUSSION:

The subject property consists of 14,524 SF of land located on the westerly side of Kilby Street. The lot is improved by a single-family dwelling (ca. 1900) with an attached garage with a finished second story addition (ca. 2002).

In October of 2001, the Applicant applied for a Variance from the required setbacks for the front and side yard to construct a second story addition above their existing garage. At the time, the lot was improved by a single-family home and a legally non-conforming detached garage. To connect the garage to the single-family home, the Applicants proposed to construct a 19 x 10 foot foyer; a 20 x 24 foot addition and deck were also proposed. Only the second floor addition to the garage needed relief via the Variance. The Applicant's plans indicated that the addition above the garage would be used as a storage area, and have a laundry area and a small bathroom.

The Board granted the requested relief, subject to the following condition:

That the garage addition be constructed in substantial accordance with the plans presented in the application and the representations made at the public hearing as to the purpose of the second story garage addition.

The present application asks the Board to approve a modification of the plans referenced in the 2001 Variance so that the second story of the garage may be used as a bedroom instead of storage.

FINDING AND DECISION:

Upon a motion made by Jed Ruccio and seconded by Paul K. Healey, the Board voted unanimously as follows:

1. To find that revised floor plans dated June 2, 2022 do not materially affect the findings made in connection with the original Variance decision dated October 16 2001.
2. To grant the application to modify the plans approved in accordance with the October 16, 2001 Variance decision to change the reference in the plans for the space above the garage from "storage" to "bedroom" at 78 Kilby Street located in Residence District C, provided that such change is in accordance with the revised plans submitted with this application and dated June 2, 2022, and with the representations made by the Applicant to the Board during the hearing.

For the Board of Appeals,



Robyn S. Maguire, Chair
August 2, 2022

This Decision shall not become effective until (i) the Town Clerk has certified on a copy of this decision that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, and that (ii): a copy thereof has been duly recorded in the Plymouth County Registry of Deeds and indexed in the grantor index under the name of the owner of record.