

TOWN OF DOVER
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Case No. 2025-03

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TOWN CLERK

BOARD OF APPEALS
DOVER MASSACHUSETTS 02030

APPLICATION FOR HEARING

Date: January 24, 2025

Name of Applicant/ Appellant: Thomas & Christine Heer Home Phone: 508-259-1851
Address: 15 Park Ave Work Phone: 508-259-1761

Location of Property: 15 Park Ave

Applicant is: Owner (owner, tenant, licensee, prospective purchaser)

Nature of application or appeal:

We are appealing the Building Inspector's determination that the Town Property adjacent to our western side lot line at 15 Park Ave. is a Street, and therefore requires a 20 foot set back for an accessory building in accordance with 185-23 and 185-25.

Additional supporting documentation will be provided separately

Applicable section of Building, Zoning Bylaw:

185-5: Definitions: Lot Line, Front and Street (along with Webster's definition of public way).
185-19 A.(2)(a)-(c) Requirements for a plot of land to be considered a Street
248-12: C.-E - Requirements for a plot of land to become a Street

Applicable Zone R (B.M, MP, R, R-1, R-2)

Date of denial by Building Inspector -Planning Board: January 14, 2025

I hereby request a hearing before the Board of Appeals with reference to the above noted application or appeal.

Signed:

Signed:

Title:


Thomas Heer
OWNERS

Received from above applicant, the sum of \$ 150 Application Fee, made payable to Town of Dover.

TOWN OF DOVER
BUILDING DEPARTMENT

5 SPRINGDALE AVENUE - P.O. BOX 250 - DOVER, MASSACHUSETTS 02030

Walter A. Avallone
Building Commissioner
Zoning Enforcement Officer

Phone - 508-785-0032 x225
Fax - 508-785-8144
Email- wayallone@doverma.gov

January 14, 2025

Thomas and Christine Heer
15 Park Avenue
Dover, MA 02030

Dear Mr. & Mrs. Heer,

Having received the Site Plan Review by the Planning Board I have once again examined the application for a building permit and here are my findings.

As previously sent to you in prior correspondence there is a zoning violation under Section 185-23 with placement of the structures along Oakley Street.

The proposed garage must meet the setback of 20 feet from Oakley Road in addition to Park Avenue as your property is a corner lot in an R District

The shed, although in violation to the Oakley Street setback currently enjoys exemption under Chapter 40A, Section 3 in that it was built with a building permit in 2002 and hence six (6) years exempts it from any zoning action however, State Building Code requires a building permit to relocate a structure and since you are relocating the shed as part of your planned project it will now require you to meet the setback that is also 20 feet from Oakley Roar and requires a separate building permit.

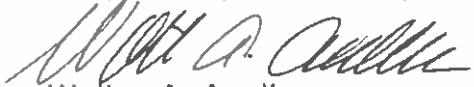
The site plan engineering submitted with the building application for the proposed project clearly states what is required under Zoning 185-23 & 185-25 but the placement of the structures completely contradicts the requirements.

Here is what you will need to do in order to keep your building permit application in active status for review with the Building Department.

1. A separate building permit must be obtained for relocation of the existing shed prior to this work being performed.
2. A new Site Plan must be submitted within 30 days of the date of this rejection showing the location of the structures (garage/barn and existing shed) to be in compliance with Section 185-17, Dimensional Requirements.
3. You may appeal this decision to the Zoning Board of Appeals within thirty (30) days as provided in MGL Chapter 40A, Section 15.
4. You may apply for a hearing with the Zoning Board of Appeals to grant a variance to the setback requirements of Section 185-23.

Application to the Zoning Board of Appeals is made through the Town Clerk. Please provide the clerk with a copy of this decision.

Respectfully submitted,



Walter A. Avallone