

Variance Application

18 Broad Acres Farm Road, Medway, MA 02053

Justin & Jennifer Smith

Relief Sought: Section 6.1 & Section 6.3.F — Accessory Structure Setback

Zoning Board of Appeals
Hearing Date: August 5, 2026

Agenda

01

Property Overview

A brief introduction to our property and the project.

02

The Pavilion

Construction details, permit history, and inspection approval.

03

Setback Measurements

Survey results and the relief being requested.

04

The Case for Granting This Variance

Our response to each of the four variance criteria.

05

Good Faith Actions

Steps we have taken to address neighbor concerns.

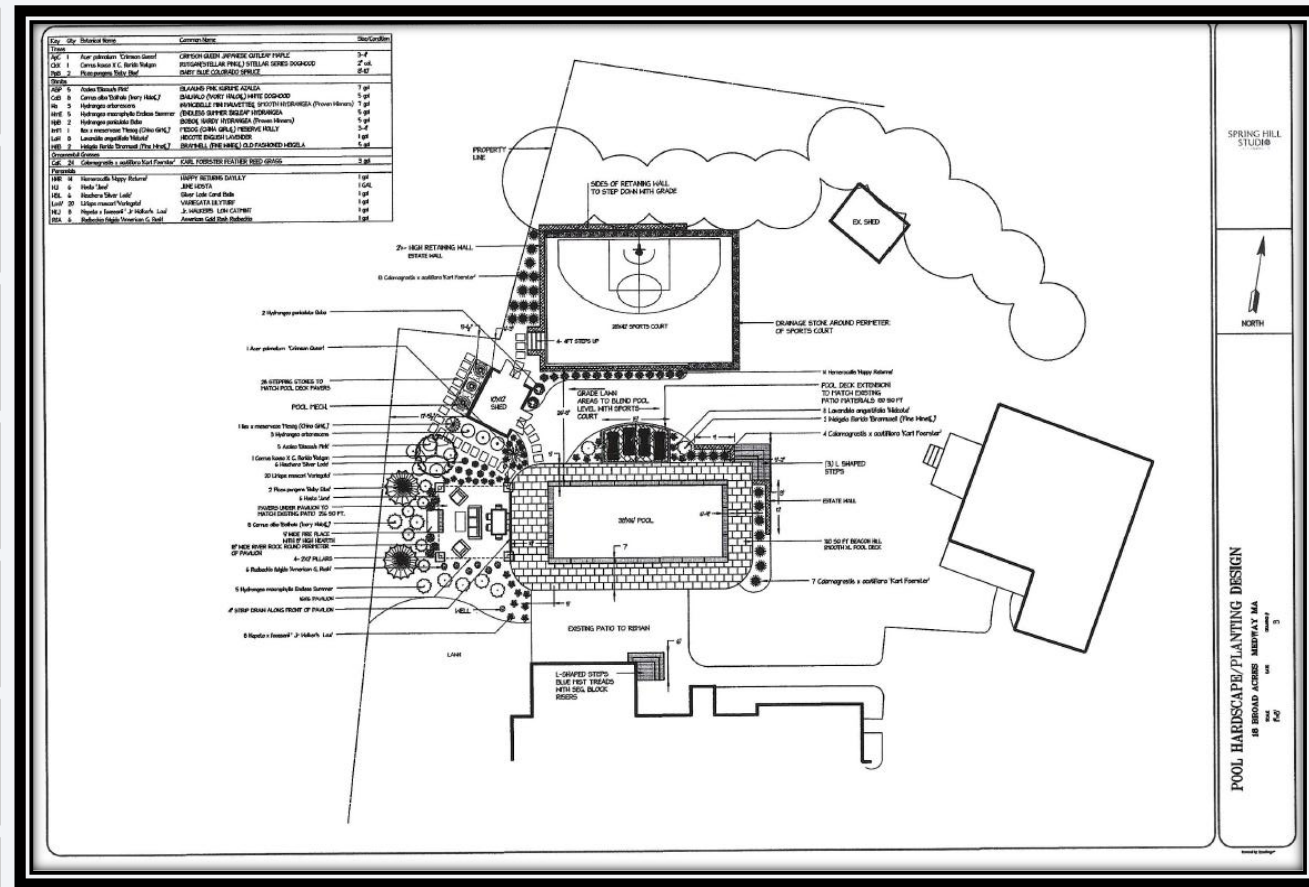
06

Conclusion & Request

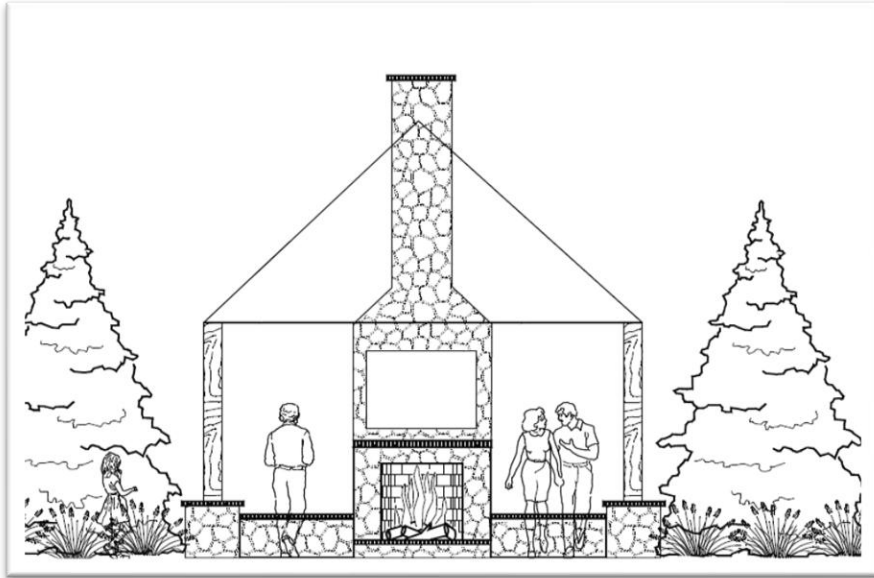
Our formal request to the board.

Property Overview

Address	18 Broad Acres Farm Road, Medway, MA 02053
Owners	Justin & Jennifer Smith
Zoning District	Agricultural Residential I (AR-I)
Lot Size	44,010 sq ft
Lot Frontage	180 ft
Existing Use	Single Family Residential
Existing Structures	Principal dwelling, detached in-law apartment, existing shed, in-ground pool



The Pavilion — Construction & Permit History



Structure Type:



Custom open-air timber frame pavilion (no walls, no enclosure)

Builder:



The Barnyard — custom fabricated structure- Amish built

Footprint:



16 ft × 16 ft roofline (256 sq ft)

Building Permit:



Duly issued by Town of Medway prior to construction

Footing Inspection:



Inspected and signed off by Town of Medway Building Department

Good Faith:



Applicants relied fully on Town's permitting and inspection process

Setback Measurements

Nearest Post
to Property Line

10.8 ft

Post closest to abutter

Far Post
to Property Line

~14.0 ft

Post on far side

Bylaw Requirement
(Section 6.3.F)

15.0 ft

Required setback >200 sq ft

Relief
Requested

4.2 ft

Minor encroachment

Measurements confirmed by professional land survey conducted July 2026 — see attached as-built plan.



Meeting the MGL c. 40A Section 10 Variance Criteria

New Standard (Effective July 2026): The Board shall grant a variance if strict enforcement would result in a practical difficulty

BENEFITS

- Structure built pursuant to a Town-issued building permit — full good faith reliance
- Footing inspection signed off by Town of Medway Building Department
- Encroachment is minor — 4.2 feet on one side only
- Open-air structure creates no adverse impact on public health, safety, or welfare
- Relocation or tear down would cause substantial cost and disruption disproportionate to the deficiency

DETRIMENTS — None Established

- No adverse impact on public health, safety, or neighborhood welfare
- Structure is not visible from the street — no streetscape impact
- No noise, drainage, light, or privacy impact on surrounding properties
- Fire Chief personally inspected fireplace — found compliant
- Multiple abutters confirm no negative impact on their properties

Optional Factors the Board May Also Consider (MGL c. 40A §10):

(i) Soil/Shape/Topography

- Pool, patio, retaining wall & sports court limited practical siting area
- Placement was only feasible location adjacent to pool- required 10ft from water’s edge
- Property is affected by diagonal side property line that reduces usable building area and limits placement

(ii) Financial Hardship

- Relocation/complete tear down would require major disturbance to completed pool area & hardscape
- Cost grossly disproportionate to 4.2 ft deficiency

(iii) Alternative Method

- No practical alternative location exists given completed site improvements
- Relocation not feasible without substantial reconstruction

(iv) Self-Created Difficulty

- Structure built per Town-issued permit & approved footing inspection
- Applicants acted in complete good faith — not a knowing violation

Good Faith Actions Taken

1

Building Permit Obtained

A building permit was applied for and duly issued by the Town of Medway prior to any construction beginning. All required documentation was submitted.

2

Footing Inspection Approved

The Town's Building Department inspected and signed off on the structure's location at the footing stage — the standard checkpoint for verifying setback compliance.

3

Professional Survey Commissioned

Upon becoming aware of a potential setback discrepancy, we immediately commissioned a professional land survey to establish accurate measurements — see attached as-built plan.

4

Fire Department Investigation — Fireplace Confirmed Compliant

Following a neighbor complaint, Deputy Fire Chief Irwin personally visited the property and consulted the Massachusetts State Fire Marshal. His written determination: the fireplace is in full compliance with fire regulations and NFPA codes and poses no significant or unordinary risk. All four Fire Department conditions have been met. The fireplace is a separate structure under 200 sq ft subject to a 5-foot setback under Section 6.3.F — it currently sits 8 feet from the property line, exceeding the requirement by 3 feet.

5

Variance Application Filed

Rather than contesting the matter informally, we chose to participate in the formal variance process and present our case transparently before the Board.

Our Request to the Board

✓ We built this structure in complete good faith, pursuant to a building permit duly issued by the Town of Medway.

✓ The structure's location was inspected and approved by the Building Department at the footing inspection stage.

✓ The outdoor fireplace is a separate structure, fully compliant with its own 5-foot setback at 9 feet from the property line, and confirmed compliant with all fire regulations and NFPA codes by Deputy Fire Chief Irwin after consulting the Massachusetts State Fire Marshal.

✓ The encroachment is minor — 4.2 feet — and the open-air structure creates no adverse impact on surrounding properties.

✓ Neighbor support letters confirm the pavilion has had no negative impact on the broader neighborhood.

We respectfully request that the Board grant the variance and allow the structure to remain in its current location.