

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2005-02

Petition of Jean Kanarian and Nathan Hagen
55 Cottage Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 13, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of JEAN KANARIAN AND NATHAN HAGEN, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing 11 foot by 15 foot garage and demolition of an existing 13 foot by 20 foot garage, with less than required left side yard and rear yard setbacks, construction of a 20 foot by 24 foot two car garage, with less than required left side yard and rear yard setbacks, construction of a 6 foot by 6 foot deck, with less than required left side yard setback, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 28, 2004, the petitioners filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Nathan Hagen and Jean Kanarian, who said that they are requesting a Special Permit to remove a section at the back of the house and rebuild it with something slightly larger. They would like to tear down two small garages at the back of the lot and construct a two car garage. The existing garages are within 2 ½ feet of the lot line. The proposed structure will be set back 5 feet from the lot line.

The Board asked if the Wetlands Protection Committee had approved the project. Ms. Kanarian said that they had received verbal approval but not written approval from the Wetlands Protection Committee as yet. She said that the Historic District Commission had approved the project on January 10, 2005.

The Board said that if the two existing garages are demolished, the new garage should comply with the required setbacks. The Board asked the petitioners to explain why they were asking for 5 foot rear and side yard setbacks when the bylaw requires that the rear setback be 10 feet and the side setback 20 feet. David Johnson, Architect, said that they had to work with the Historic District Commission and were not allowed to have the garage attached to the house. He said that the way the current house is situated, the driveway comes up the left side of the structure. They looked at various options for wrapping the driveway around and putting the driveway on the other side. They found that the best solution was to leave the garage at the rear and try to make it a better situation. The garage would have to be far enough away from the house to preserve its function. They moved the proposed structure further away from the lot line to make it more conforming than what is currently there. All of the living space of the house is on the right side of the property. The conservation line is also on the right rear side of the property.

The Board said that one of the garages is angled so that there is only about 15 feet to the house. The Board asked about cars getting in and out of the garage. Mr. Johnson said that currently two cars cannot come out at the same time. The Board asked if the petitioners had considered rotating the garage 90 degrees so that the garage door faces the left property line and moving it toward the street so that it complies with setback requirements. Ms. Kanarian said that if they were to rotate the garage, it would impact the green space that their neighbors see.

The Board said that the house is located close to parkland and many people will be looking at the house in addition to the neighbors.

The Board said that the rooflines of the two garages that are currently there have fairly shallow slopes. The roof ridges appear to be no more than 6 feet above the garage door, which would make it about 14 feet above grade. The Board asked what the height of the proposed garage would be, to the peak of the roof and to the peak of the cupola. Mr. Johnson said that the height to the ridgeline is about 24 feet from finished grade, the height to the eave is approximately 9 feet, and the cupola is about 3 ½ to 4 feet high from the 24 foot ridge. The Board said the petitioners should consider lowering the roofline and adding windows to the proposed garage to reduce to the bulkier appearance for the neighbors.

The Board said that it would like to see other options to determine if the current proposal would provide the best solution. The Board that the petitioners should come up with alternative plans that move the garage further away from the lot lines. The petitioners are proposing to increase the height significantly. The Board would need to see elevations for the garage.

The Board said that it should have all of the paperwork in hand to see that the other Boards have reviewed the proposal. Although the Board received a letter from the Historic District Commission, there was no way to know what plans they had approved. The Board asked for a letter of confirmation from the Historic District Commission.

The Board voted unanimously to continue the hearing until February 10, 2005.

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 10, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of JEAN KANARIAN AND NATHAN HAGEN, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing 11 foot by 15 foot garage and demolition of an existing 13 foot by 20 foot garage, with less than required left side yard and rear yard setbacks, construction of a 20 foot by 24 foot two car garage, with less than required left side yard and rear yard setbacks, construction of a 6 foot by 6 foot deck, with less than required left side yard setback, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Presenting the case at the hearing was Jean Kanarian, who said that she and her husband, Nathan Hagen are the owners of 55 Cottage Street. Also present at the hearing was David Johnson, Architect.

Ms. Kanarian said that the property is bordered on two sides by wetlands and is located within an Historic District. The lot is nonconforming.

Ms. Kanarian said that she had a copy of a letter, dated January 14, 2005, and signed by Meghan Conlon for the Historic District Commission, stating that the plans that they approved were the same ones that were submitted to the Zoning Board of Appeals.

Ms. Kanarian said that a copy of the Order of Conditions from the Wetlands Protection Committee had been submitted to the Zoning Board of Appeals on January 28, 2005. She said that one of the findings of the Committee was that the proposed garage would cause no significant impact to the riverfront area since it almost exactly replaces the impervious area and location of the existing garages. The Committee found that, "the riverfront performance standards require that there be no practicable alternative to the proposed project with less impact on riverfront values. Locating the garage in any other location would bring it closer to Fuller Brook and perhaps increase the size of the driveway, both resulting in incrementally increased and accelerated stormwater runoff to Fuller Brook. The house additions are as far from the Brook as is practical, given the zoning requirements and the existing driveway location."

Ms. Kanarian said that she also submitted a letter of support from their abutter on the east side at 57 Cottage Street, Barry Friedman, who has the most expansive view of the garage.

Ms. Kanarian reviewed six garage placement options. Ms. Kanarian said that they are recommending Option 5, which was their original proposal.

Mr. Johnson said that the pitch on the roof of the garage was lowered to address the Board's concern for mass and size. The Board said that the architect had done a sufficient job of making the garage look like it belongs in the neighborhood.

Statement of Facts

The subject property is located at 55 Cottage Street with a minimum left side yard setback of 2.1 feet, a minimum rear setback of 2.4 feet, and a minimum front yard setback of 29.5 feet, in a 10,000 square foot Single Residence District.

The petitioners are requesting a Special Permit/Finding that demolition of an existing 11 foot by 15 foot garage with a minimum left side yard setback of 2.1 feet and a minimum rear yard setback of 2.4 feet, demolition of an existing 13 foot by 20 foot garage with a minimum left side yard setback of 13 feet and a minimum rear yard setback of 3.1 feet, construction of a 20 foot by 24 foot two car garage with a minimum left side yard setback of 5 feet and a minimum rear yard setback of 5 feet, construction of a 6 foot by 6 foot deck with a minimum left side yard setback of 17.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 12/9/04, stamped by Douglas L. Aaberg, Professional Land Surveyor, Existing and Proposed Floor Plans, dated 10/8/04, drawn by Studio Twenty Six Architects, Elevation Drawings, and photographs were submitted.

The following materials were received from the Historic District Commission:

1. Certificate of Appropriateness: HDC 07-04, issued January 4, 2005, amended February 8, 2005.
2. Letter of verification that the submission made to the Zoning Board of Appeals was copied for the Historic District Commission hearing.

The following was received from the Wetlands Protection Committee:

1. Order of Conditions, 55 Cottage Street, DEP File No. 324-473, issued January 27, 2005.

On February 1, 2005 the Planning Board reviewed the petition and had no objection to granting the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that demolition of an existing 11 foot by 15 foot garage with a minimum left side yard setback of 2.1 feet and a minimum rear yard setback of 2.4 feet, demolition of an existing 13 foot by 20 foot garage with a minimum left side yard setback of 13 feet and a minimum rear yard setback of 3.1 feet, construction of a 20 foot by 24 foot two car garage with a minimum left side yard setback of 5 feet and a minimum rear yard setback of 5 feet, construction of a 6 foot by 6 foot deck with a minimum left side yard setback of 17.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will not increase the existing nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the 11 foot by 15 foot garage, demolition of the 13 foot by 20 foot garage, construction of the 20 foot by 24 foot two car garage, and construction of the 6 foot by 6 foot deck, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

ZBA 2005-02
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

David G. Sheffield, Acting Chairman

Randy Becker

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm