



## ZONING BOARD OF APPEALS

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

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 WELLESLEY MA 02482  
 APR 21 P 12:49

ZBA 2016-29  
 Petition of Juann Khoory  
 18 Kendall Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 7, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Juann Khoory requesting modification of Variances that were granted on September 28, 1988, pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw, for demolition of an existing deck and construction of a two story addition with less than required left side yard setbacks and construction of a second story addition over an existing structure with less than required left side yard and front yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on an 8,390 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 18 Kendall Road.

On March 21, 2016, the Petitioner 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 Juann Khoory, the Petitioner. She said that she has lived there for 15 years. She said that the existing house does not have a main entrance. She said that the driveway is on a severe slope. She said that she would like to create a front entrance by bumping the house out on the side by two feet. She said that the existing corner of the house is 14 feet from the property line. She said that the house and the lot are nonconforming except for the rear setback. She said that part of the bump will be at 14 feet and some of it will be a 16 and 17 feet because of the angle of the property line.

Ms. Khoory said that the existing house only has one level of living space. She said that it is approximately 30 by 50 feet. She said that there is one large and two small bedrooms on that level. She said that the small bedrooms do not fit her children anymore. She said that she also needs an entrance to the house. She said that the proposed entrance is close to where they drive up to the house. She said that it will be safer with ice and snow. She said that there is a distance of seven feet from the driveway to the first floor of the house. She said that the bottom of the driveway is about a 17 foot drop. She said that it has been a challenge to live on that lot.

The Chairman said that a prior Zoning Board issued two Variances for this property. He said that the Board is being asked to amend the Variances to permit construction of a new second floor and for a modification of the Variances granted in 1988 for a minimum front yard setback of 14.5 feet and a minimum left side yard setback of 12.1 feet. He said that the Board would not make new findings but would rely on the findings that the previous Board made that the property meets all the requirements for a Variance.

A Board member said that there was some confusion in the previous Variance as to the front and side yard setbacks.

There was no present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 18 Kendall Road, on an 8,390 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 20.7 feet, a minimum left side yard setback of 14 feet and a minimum right side yard setback of 17.9 feet. Existing lot coverage is 25.8 percent and proposed lot coverage will be 23.8 percent.

The Petitioner is requesting modification of Variances that were granted on September 28, 1988, pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw, for demolition of an existing deck and construction of a two story addition with less than required left side yard setbacks and construction of a second story addition over an existing structure with less than required left side yard and front yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on an 8,390 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District.

Narrative for Variance Request, dated 3/15/16, signed by Juann Khoory, a Plot Plan and a Basement TLAG Exemption Plan, dated 2/12/16, and an Allowable Height Plan, dated 2/12/15, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 3/11/16, and Proposed Floor Plans and Elevation Drawings, dated 3/4/16, prepared by Bourque Design, and photographs were submitted.

On April 6, 2016, the Planning Board reviewed the petition and recommended that action be deferred.

Decision

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

The Board is of the opinion that in granting modification of previously granted Variances, ZBA 88-74 and ZBA 88-75, it was determined by a previous Board in 1988 that a hardship existed.

Therefore, in reliance on the prior findings of that Board, this Board amends the Variance to permit the construction of the second floor and the addition of the entry way in the left side yard.

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

If construction has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

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APR 2 2016

ZBA 2016-29  
Petition of Juann Khoory  
18 Kendall Road

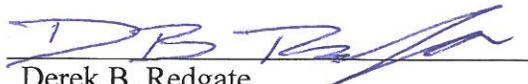
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Chairman

  
David G. Sheffield

  
Derek B. Redgate

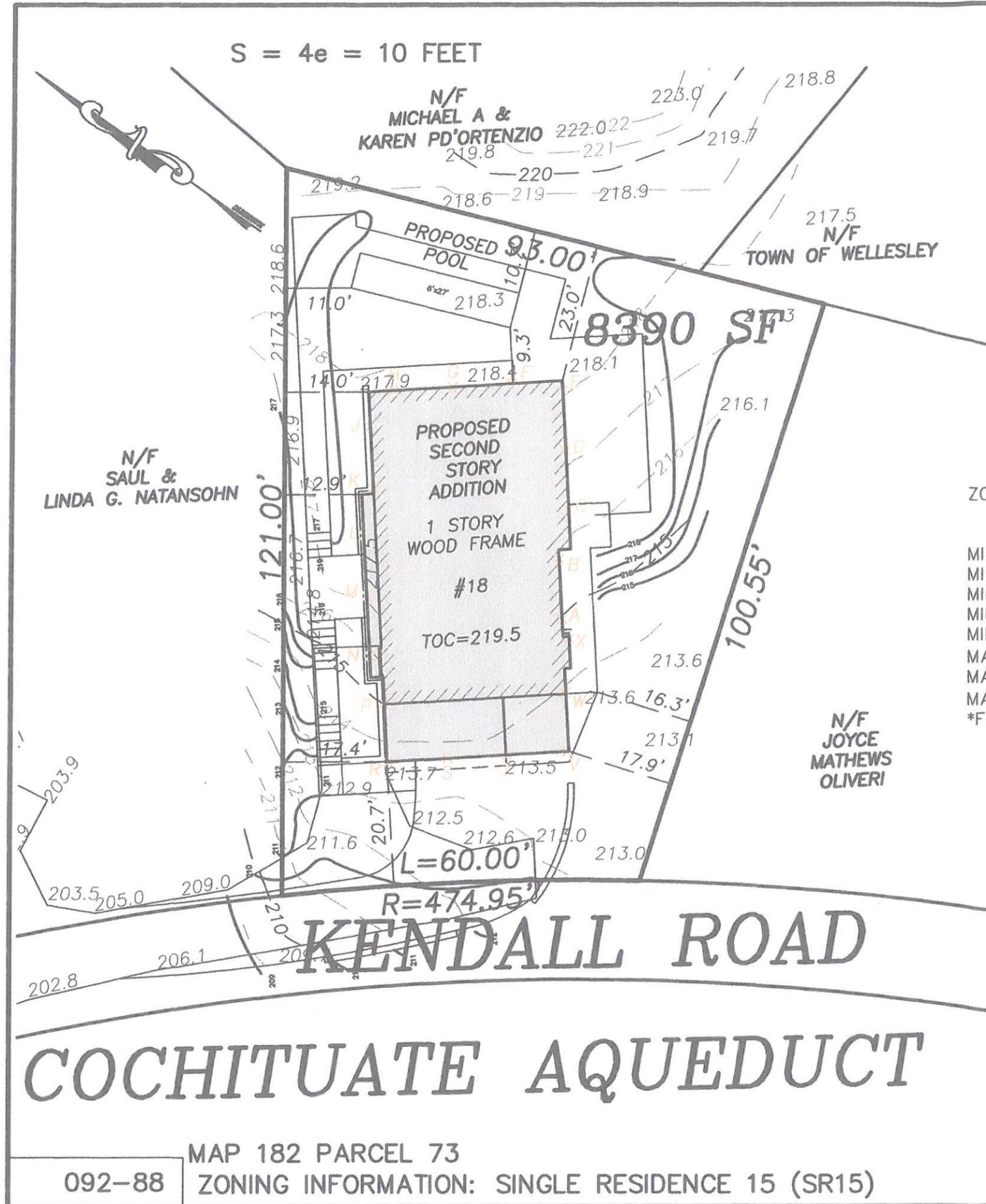
cc: Planning Board  
Inspector of Buildings  
lrm

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N/F  
MICHAEL A &  
KAREN PD'ORTENZIO

217.5  
N/F  
TOWN OF WELLESLEY

N/F  
SAUL &  
LINDA G. NATANSOHN



ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	BYLAW	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	8,390 SF	8,390 SF
MINIMUM LOT FRONTAGE	60 FEET	60 FEET	60 FEET
MINIMUM FRONT SETBACK	30 FEET*	20.7 FEET	20.7 FEET
MINIMUM SIDE YARD	20 FEET	14.0 FEET	12.9 FEET
MINIMUM REAR YARD	10 FEET	23.0 FEET	23.0 FEET
MAXIMUM BUILDING COVERAGE	2097 SF (25%)	2163 (25.8%)	1998 SF....(23.8%)
MAXIMUM BUILDING HEIGHT	36 FEET		
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES		

\*FRONT SETBACK DETERMINED BY 500 FOOT RULE

ZONING BOARD OF APPEALS  
PLAN OF LAND  
18 KENDALL ROAD  
WELLESLEY, MASS.

Field Resources, Inc.  
LAND SURVEYORS

FEBRUARY 12, 2016      SCALE 1"=20'

P.O. BOX 324      281 CHESTNUT ST.  
AUBURN, MA      NEEDHAM, MA.  
508 832 4332      781 444 5936  
fieldresources@hotmail.com



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MAP 182 PARCEL 73  
ZONING INFORMATION: SINGLE RESIDENCE 15 (SR15)