

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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RECEIVED  
MAY 18 2017  
P 2017  
WELLESLEY ZONING BOARD OF APPEALS

ZBA 2017-44

Petition of Rebecca & Joseph Kannam  
20 Damien Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 4, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Rebecca & Joseph Kannam requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for construction of a two-car garage with less than required side yard setbacks on an existing nonconforming structure with less than required front yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, in a Water Supply Protection District, at 20 Damien Road.

On April 3, 2017, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

### WITHDRAWN WITHOUT PREJUDICE

Presenting the case at the hearing were Rebecca and Joseph Kannam, the Petitioner. Ms. Kannam said that she had some additional photographs that might be helpful. She said that the request is to put a garage to the right of the property. She said that the request is for a variance because the garage will be nonconforming. She said that it will be close to the property line at the right.

Ms. Kannam said that one of the photographs shows what it would be like if they were to put the garage behind the house. She said that they think that a two-car garage should go next to the house. She said that if they were to put the garage behind the house, it would start where the existing shed is. She said that the land drops there. She said that the drop off may not be clear on the plans. She said that putting a garage at the back presents an issue to them. She said that the back of the shed is elevated on a cinder block.

Ms. Kannam said that they currently have a back porch that is all windows. She said that they would not be able to attach the garage to the back of the house because it would attach to the existing room with full windows. She said that they would have to lose use of that room.

Ms. Kannam said that there is a very large tree right behind the house in between the shed and the back porch. She said that she spoke with someone at Hartney Greymount about doing some work to the roots if they put the garage in the proposed location. She said that if they put the garage behind the house, they will have to take the tree down and they would have to incur the cost of moving the shed.

Ms. Kannam said that they spoke with the neighbor to the right and the neighbor across the street. She said that the neighbors that are directly impacted by the project have no problem with the garage at all.

Ms. Kannam said that putting up the garage would not do anything to the neighborhood.

The Chairman said that this is a difficult case. He said that the property drops off at the back.

The Chairman said that the Planning Board recommended that the variance be denied. Ms. Kannam said that, with respect to hardship, they are getting older. She said that it will be helpful to them to be able to exit the home right into the garage and to not have to clear off the cars. A Board member said that they could do that with a single car garage in the same location and they would not need a variance to do that. Ms. Kannam said that they are looking to have both cars housed.

The Chairman said that this property received a variance in October of 1957 when an addition was built on the house. He said that this would create a new variance. He said that he did not think that the Board could help with this variance. A Board member said that the Board understands the Kannam's issue but the standard of the bylaw does not accommodate that. He said that the bylaw says that the Board can grant a variance for hardships caused by shape of the lot, topography or soil conditions. He said that he did not see anything in the application that relates to that. Ms. Kannam asked about the fact that they cannot move the garage to the back, given that the property falls off. The Board member said that the criteria for a variance does not say whether you can or cannot do any other alternative solution. He said that they do not have a garage and there is no requirement in Wellesley that they have to have one. He said that they could have a single car garage by right.

The Chairman recommended that the Petitioner request to withdraw the petition without prejudice and look for another solution. Ms. Kannam requested that the petition be allowed to be withdrawn without prejudice.

The Board said that the garage at the back that Ms. Kannam had discussed could be built by right. Ms. Kannam said that they are on a beautiful lot and they do not see anyone behind them.

The Board voted unanimously to allow the petition to be withdrawn without prejudice.

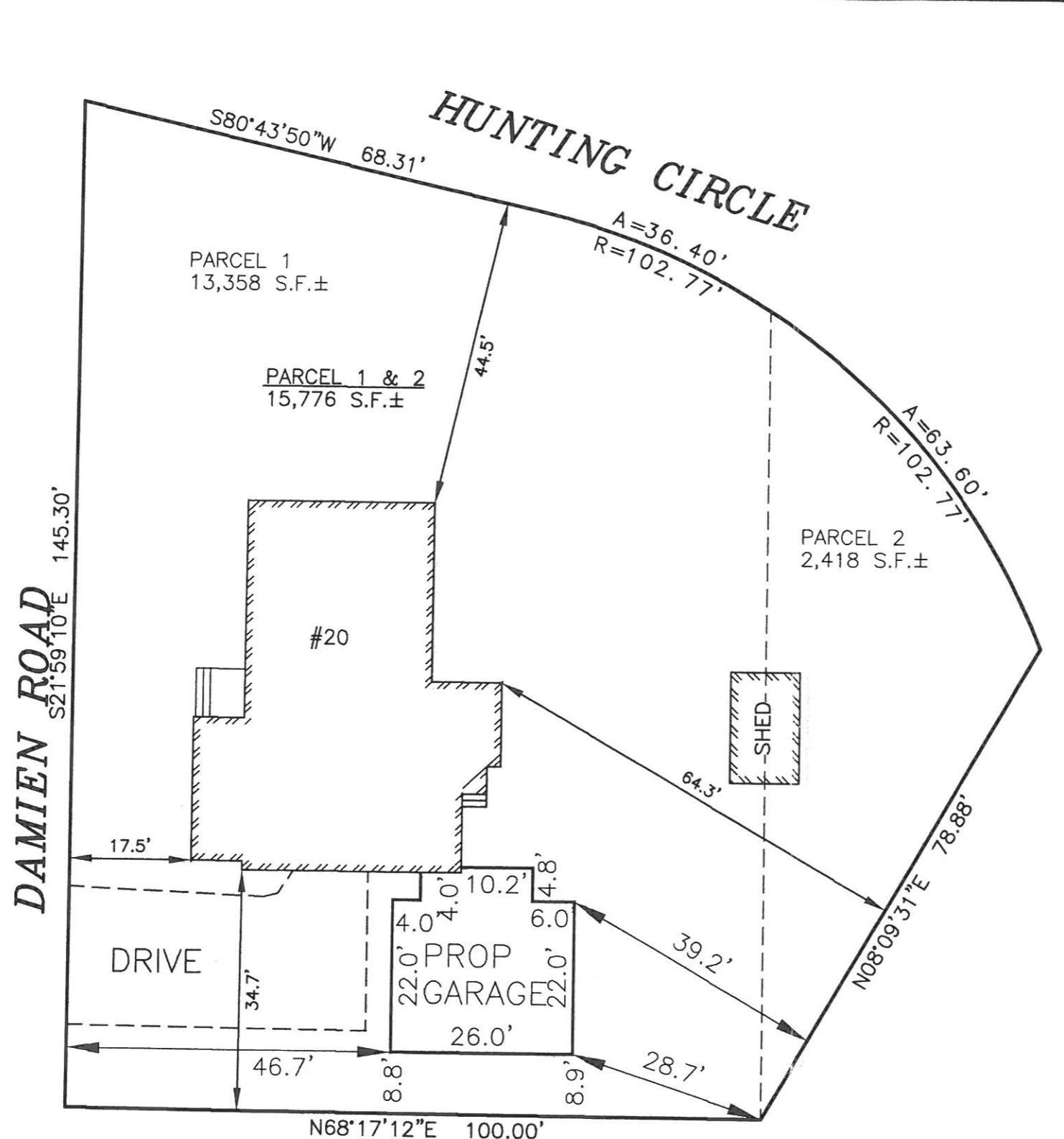
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## PLAN OF LAND IN WELLESLEY MA

20 DAMIEN ROAD  
PROPOSED ADDITION

SCALE: 1 IN.= 20 FT.

DATE: MARCH 27, 2017

DRAWN: ES

CHECK: BB

REVISIONS:

PROJECT NO. 25139