



ZONING BOARD OF APPEALS

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

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ZBA 2017-50
Petition of Alexis & Avi Vichniac
6 Damien Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 1, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Alexis & Avi Vichniac requesting a Variance and/or a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks, on a 4,985 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 6 Damien Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 18.5 percent and proposed lot coverage will be 27 percent, which exceeds the maximum of 25 percent that is allowed by right.

On March 28, 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.

Presenting the case at the hearing was Alexis Vichniac, the Petitioner. She said that the request is to add a modest addition. She said that it is a small house by Wellesley standards. She said that they have three kids who share rooms. She said that there is no garage, office, or dining room. She said that they just want to add a room for the kids and a place to eat dinner. She read a letter of support that was signed by the abutters at 4 and 8 Damien Road, and 9 Hunting Road and submitted it to the Board.

The Chairman said that the architect came up with a good solution.

A Board member said that it is a modest addition to a modest home and the addition will be at the back of the house.

Ms. Vichniac said that there will be one bedroom on the second floor. A Board member asked why they need to go over 25 percent lot coverage. Ms. Vichniac said that there would not be much that they could add without going over 25 percent lot coverage. She said that she spoke with the builder who told her that it would not be worth the time and money to build at 25 percent or less.

A Board member said that the existing house is nonconforming on the right side. He said that the proposed addition was positioned so there will be 20 feet for the left side yard setback and a compliant rear yard setback. The Board said that the lot is 4,985 square feet.

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

Statement of Facts

The subject property is located at 6 Damien Road, on a 4,985 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 19.2 feet and a minimum right side yard setback of 5 feet.

The Petitioner is requesting a Variance and/or a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks, on a 4,985 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, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Existing lot coverage is 18.5 percent and proposed lot coverage will be 27 percent, which exceeds the maximum of 25 percent that is allowed by right.

A Plot Plan, dated 3/29/17, stamped by Terrence M. Ryan, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 1/31/16, prepared by Deborah McPhee, Architect, and photographs were submitted.

On May 16, 2017, the Planning Board reviewed the petition and recommended that action on the Variance 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.

It is the opinion of this Authority that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted for construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard and front yard setbacks, on a 4,985 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, that will increase existing lot coverage of 18.5 percent to 27 percent, which exceeds the maximum of 25 percent that is allowed by right, 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 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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2017 JUN 15 P 12:49
RECEIVED
TOWN CLERK'S OFFICE

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

Walter B. Adams

Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

PROPOSED PLOT PLAN
6 DAMIEN ROAD
WELLESLEY, MASS.

DATE: MARCH 29, 2017

SCALE: 1" = 10'

PREPARED FOR:

ALEXIS & AVI VICHNIAC
6 DAMIEN ROAD
WELLESLEY, MASS. 02481

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY LLC
21 GREEN STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.
AREA: 10,000 SF
FRONTAGE: 60 FT
SETBACK: 30 FT*
SIDEYARD: 20 FT
REARYARD: 10 FT
COVERAGE: 2,500 SF

* SUBJECT TO 500' RULE

DEED BOOK 30402 PAGE 47
ASSESSORS MAP 28 LOT 55
EXISTING COVERAGE: 920 SF = 18.5%
PROPOSED COVERAGE: 1,346 = 27.0%



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON
PREDATE THE DIMENSIONAL REGULATIONS OF THE WELLESLEY ZONING BYLAWS
AND THAT THE PROPOSED ADDITION CONFORMS TO THE DIMENSIONAL OFFSET
REQUIREMENTS OF THE WELLESLEY ZONING BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE
LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL
FLOODING (SOURCE: F.I.R.M. 25021C0009E).

