

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2018-10

Petition of Rebecca & Joseph Kannam
20 Damien Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 1, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Rebecca & Joseph Kannam requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story addition that consists of an entry porch and a side-facing two-car garage with attached storage space that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, on a corner lot at 20 Damien Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 9, 2018, 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 were Richard Leaf, Architect, and Rebecca and Joseph Kannam, the Petitioner. Mr. Leaf said that the Kannams have lived at 20 Damien Road since 1996 and raised three children there. He said that the proposal is for a 630 square foot one story addition at the back of the house consisting of a two car garage and outdoor storage space. He said that the house was built in 1925. He said that the lot is a little over 15,000 square feet.

Mr. Leaf displayed a GIS map of the neighborhood. He said that directly across the street is the 15,000 square foot Single Residence District. He said that 20 Damien Road is located in a 10,000 square foot Single Residence District.

Mr. Leaf said that the petition is before the Board because the addition will be more than 600 square feet and they are adding to a pre-existing nonconforming structure with less than required front setbacks. He said that the addition will be conforming. He said that his understanding is that the petition is subject to Bjorklund vs Norwell State case law. He said that the addition will be over 600 square feet.

Mr. Leaf said that an existing shed on the property will be demolished. He said that the side facing garage will be subject to 30 foot side yard setbacks. He said that it will be a conforming addition.

The Chairman said that he liked the storage unit being a little bit smaller than the length of the garage because it makes that side appear smaller to the neighbor. He said that it has a scaling element to it.

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A Board member asked about the dashed line on the plot plan that goes through the existing shed. He asked if the Kannams own two properties. He said that there are two lots, one is 13,358 square feet and the other is 2,418 square feet. The Chairman said that the 15,776 square feet on the plot plan is for Parcels 1 and 2. A Board member said that the lots are under common ownership and would be merged for Zoning purposes. The Chairman said that the Town document shows that the lots are combined.

Mr. Leaf said that the homeowners came before the Board last summer with a different designer to request a variance. He said that the request was to place the garage approximately eight feet from the side property line. He said that they have made a concerted effort to come up with a design that works with the architecture of the house and works with all of the Zoning constraints.

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 20 Damien Road, on a corner lot, with a minimum front yard setback of 17.5 feet to Damien Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story addition that consists of an entry porch and a side-facing two-car garage with attached storage space that will meet all setback requirements, 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 and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 12/19/17, stamped by Bruce Bradford, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 12/20/17, prepared by Leaf Design Associates, Inc., and photographs were submitted.

On January 25, 2018, the Planning Board reviewed the petition and recommended that Special Permit be granted.

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 construction of a one-story addition that consists of an entry porch and a side-facing two-car garage with attached storage space that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a one-story addition that consists of an entry porch and a side-facing two-car garage with

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attached storage space that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, 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.

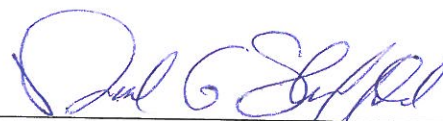
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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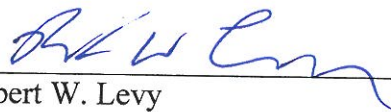
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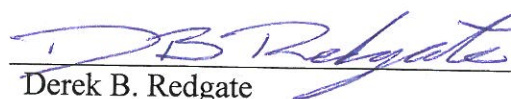
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy

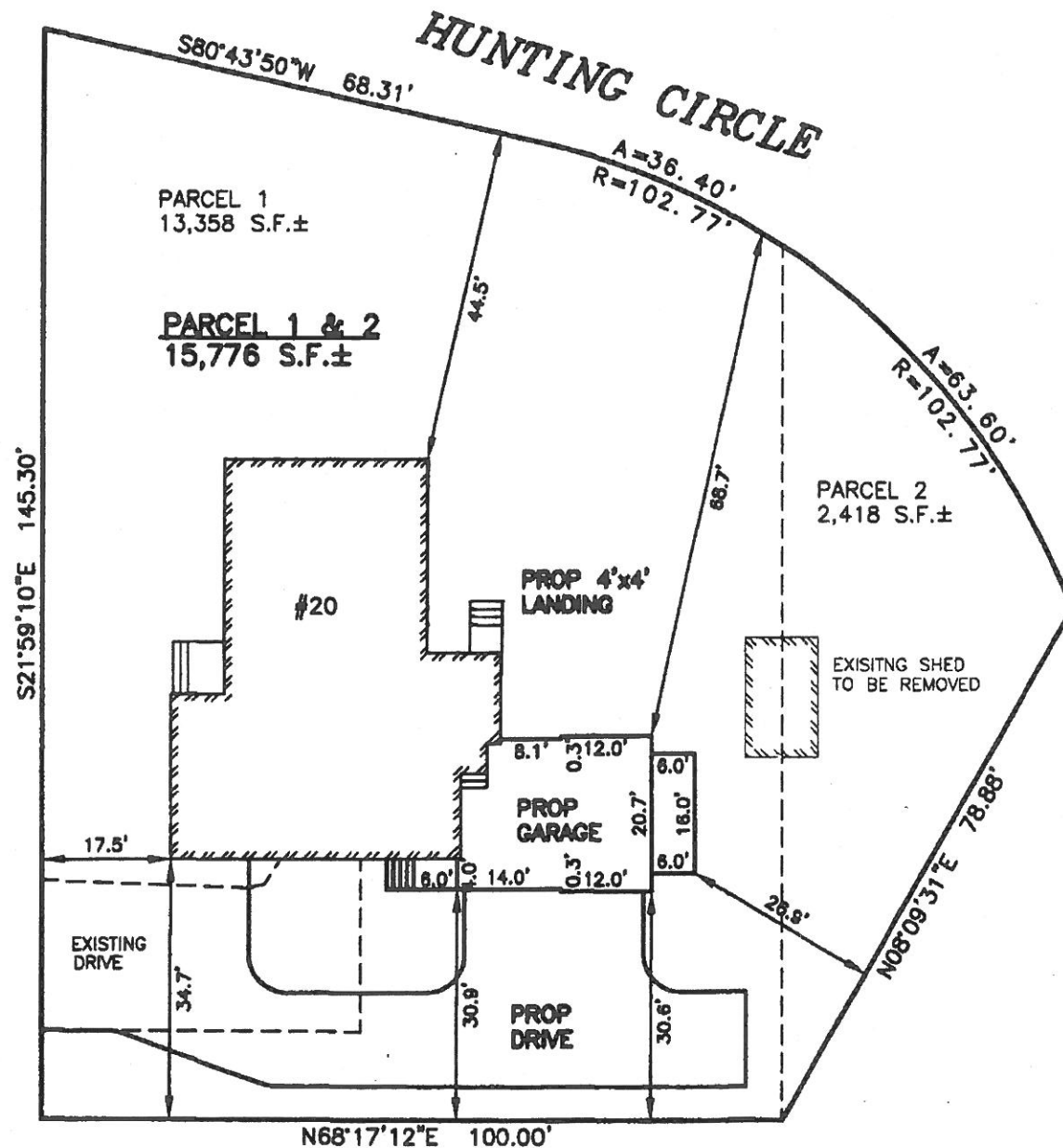


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



DAMIEN ROAD



ZONING DISTRICT SR-10

EXISTING
STRUCTURES 2,030 S.F.
LOT COVERAGE 12.9%

PROPOSED
STRUCTURES 2,319 S.F.
LOT COVERAGE 14.7%

ESTABLISHED 1916

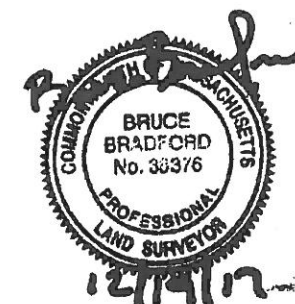
EMB

EVERETT M. BROOKS CO.

SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750
(617) 332-1578 FAX
embrooks@embrooks.com



PLAN OF LAND IN WELLESLEY MA

20 DAMIEN ROAD
PROPOSED ADDITION

SCALE: 1 IN. = 20 FT.

DATE: DECEMBER 19, 2017

DRAWN: ES

CHECK: BB

REVISIONS:

PROJECT NO. 25139