



Town of Wenham

Town Hall
138 Main Street
Wenham, MA 01984

ZONING BOARD OF APPEALS

TEL 978-468-5520

FAX 978-468-8014

APPLICATION FOR PUBLIC HEARING

Appeal From the Action of the Building Inspector - Fee: \$250

Special Permit for Single Family Residence - Fee: \$250

Special Permit for All Others Including Commercial – Fee: \$400

Variance - Fee: \$250

Application to Amend, Modify or Transfer a Variance or Special Permit – Fee: \$250

Checks made payable to the Town of Wenham

DATE: 6.15.21

PHONE: 978-777-3050

EMAIL: dcolbert@hancockassociates.com

APPLICANT: Mr. Jerome & Ms. Marcy Hunsaker, III

LOCATION OF PROPERTY: 16 Larch Row

Applicable Section of Zoning Bylaw: 255.5.2.(B)(1)(c). Hammerhead Lots

NATURE OF APPLICATION:
(attach narrative and or site plan as appropriate)

See attached Narrative and Exhibit Plan by Hancock Associates.

I hereby request a hearing before the Board of Appeals with reference to the above noted application. I understand I will be billed for the publication of the legal notice and have completed the attached acknowledgement.

Signed

HANCOCK ASSOCIATES

Surveyors | Engineers | Scientists
23774

APPLICATION FOR VARIANCE

16 Larch Row

The undersigned Jerome and Marcia Hunsaker are the owners of 16 Larch Row, consisting of an antique colonial residence on approximately 5 acres of land with 297 +/- feet of frontage on Larch Row. The Hunsakers wish to downsize from their existing home by building a smaller home on a roughly 40,000 + SF house lot to be divided from their existing property. To do so, they intend to seek a special permit from the Planning Board to reconfigure the existing home at 16 Larch Row into a "hammerhead" lot in accordance with Section 255-5.2B (1) of the Zoning Bylaw.

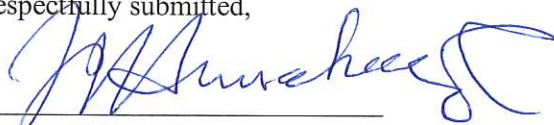
The existing residence is located 43.4 feet from the northerly side lot line and does not satisfy the requirement of a 50-foot setback from any lot line under Section 255-5.2(B)(c) of the Bylaw. The applicants have been advised that they require a variance to proceed.

The Hunsakers respectfully state as follows:

1. It is arguable that the 50-foot setback should not be construed to apply to an existing structure's setback. In the present case, the setback is already established and will not be changed by the creation of the hammerhead lot. In this regard, the language of the Bylaw is arguably prospective – stating that the "nearest point of any building or structure shall be set back 50 feet from all lot lines." Since the residence is already 43.4 feet from the northerly side setback and that distance will not be changed by the reconfiguration of the lot as a hammerhead lot, the requirement of Section 255-5.2(B)(c) should not apply.

2. Alternatively, to the extent that the 50-foot requirement does apply to the existing residence, then the criteria for a variance are satisfied under Section 255-13.6 of the Bylaw: *"owing to circumstances relating to the soil conditions, shape or topography of such land or structures and not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner....., and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw."* The existing lot is a large, irregularly shaped lot improved with a pre-existing residence that cannot be moved without considerable expense and potential damage to the antique building. Moreover, the existing 43.4 foot setback from the northerly lot line is well in excess of the required 15-foot setback in the underlying zoning district and nearly complies with the 50-foot hammerhead setback. In this case, relief can be granted without detriment to the public good and without substantially derogating from the intent or purpose of the setback requirement.

Respectfully submitted,


Jerome C. Hunsaker

Dated: June 15, 2021

LEGEND

WFA2	LIMIT OF BORDERING VEGETATED WETLAND WITH FLAG NUMBER
—x—x—x—	WIRE FENCE
—o—o—o—o—	STONE WALL
—	EDGE OF PAVEMENT
(C)	CALCULATED
EXIST.	EXISTING
DH	DRILL HOLE
I. ROD	IRON ROD
I. PIPE	IRON PIPE
ECSB	ESSEX COUNTY STONE BOUND
CTR. BK.	CENTER BACK
—	LIMIT OF FLOOD ZONE A
—	WETLAND

ZONING:

RESIDENTIAL DISTRICT
AND AQUIFER PROTECTION OVERLAY DISTRICT (APOD)

RESIDENTIAL DISTRICT
TABLE OF DIMENSIONAL REQUIREMENTS
LOT AREA 40,000 S.F.
FRONT SETBACK: 20'
SIDE SETBACK: 15'
REAR SETBACK: 15'
FRONTAGE 170'
LOT WIDTH 100'

HAMMERHEAD LOTS
FRONTAGE 50'
YARD SETBACK 50'
LOT AREA 120,000 S.F.
CONTIGUOUS UPLAND 40,000 S.F.

NOTES:

- 1) THIS PLAN WAS PREPARED TO ACCOMPANY AN APPLICATION TO PETITION FOR ZONING SETBACK VARIANCE. EXISTING 43.4 FEET, REQUIRED 50 FEET. RELATED TO A PROPOSED 2-LOT SUBDIVISION THAT INCLUDES A PROPOSED HAMMERHEAD LOT UNDER WENHAM ZONING BYLAW SECTION 255-5.2.B.(1).
- 2) WETLANDS SHOWN HEREON WERE DELINEATED BY HANCOCK ASSOCIATES ON JULY 14, 2020 AND LOCATED BY FIELD SURVEY.
- 3) EXISTING BUILDING OFFSETS SHOWN HEREON ARE TO WOOD CORNER BOARD UNLESS OTHERWISE NOTED.
- 4) SEPTIC SYSTEM LOCATION AS SHOWN IS COMPILED FROM RECORDS.
- 5) A PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE "A" (NO BASE FLOOD ELEVATION DETERMINED) AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL 250107 0407 F. EFFECTIVE DATE JULY 3, 2012.

ASSESSORS:

MAP ID 19-55

REFERENCES:

DEED BOOK 10385, PAGE 515
DEED BOOK 10909, PAGE 529
PLAN BOOK 270, PLAN No. 73
PLAN BOOK 41, PLAN No. 31

RECORD OWNER:

JEROME C., III AND MARCIA G. HUNSAKER
16 LARCH ROW
WENHAM, MA. 01984

KEVIN C. ROY & JESSICA L. NAUGLER
DEED BK. 33946, PG. 350
PLAN BOOK 270, PLAN No. 73
MAP ID 19-52
8 PATCH AVENUE

THE BROZENSKE 2014 FAMILY TRUST
DEED BK. 33647, PG. 117
PLAN BOOK 24, PLAN No. 12
MAP ID 19-53
10 PATCH AVENUE

RICHARD E., JR. & STEPHANIE B. QUINN
DEED BK. 8652, PG. 228
PLAN BOOK 225, PLAN No. 1
MAP ID 19-54
14 LARCH ROW

20 LARCH ROW REALTY TRUST
DEED BK. 9283, PG. 310
PLAN BOOK 222, PLAN No. 38
MAP ID 19-56
20 LARCH ROW

20 LARCH ROW REALTY TRUST
DEED BK. 9283, PG. 310
PLAN BOOK 222, PLAN No. 38
MAP ID 19-56
20 LARCH ROW

LARCH ROW

PREPARED FOR:

JEROME C., III &
MARCIA G.
HUNSAKER

16 Larch Row
Wenham, Massachusetts 01984

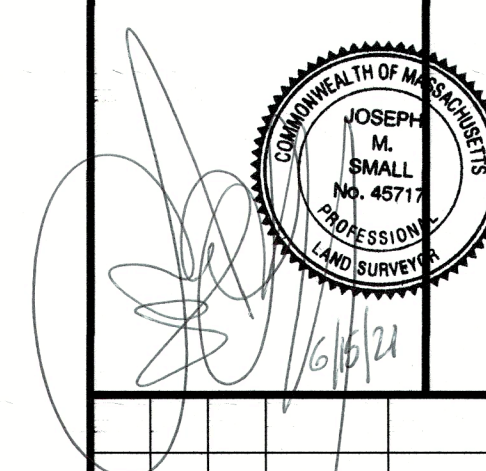
HANCOCK
ASSOCIATES

Civil Engineers

Land Surveyors

Wetland Scientists

185 CENTRE STREET, DANVERS, MA 01923
VOICE (978) 777-3050, FAX (978) 774-7816
WWW.HANCOCKASSOCIATES.COM



NO.	BY	APP	DATE	ISSUE/REVISION	DESCRIPTION
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DATE:	06/15/21	DRAWN BY:	PLP
SCALE:	1"=30'	CHECK BY:	JMS

EXHIBIT
PLAN OF LAND
IN
WENHAM, MA

PLOT DATE: Jun 15, 2021 10:05 am
PATH: F:\Gis\3D Projects\23774 - Hunsaker - Wenham\DWG\

DWG: 23774ex-2lot.dwg

LAYOUT: EXHIBIT

SHEET: 1 OF 1

PROJECT NO.:

23774

SCALE: 1" = 30'

0 30 60 120