

POSTED JANUARY 26, 2021



Town of Wenham

Town Hall
138 Main Street
Wenham, MA 01984

ZONING BOARD OF APPEALS

TEL 978-468-5520 Ext. 8

FAX 978-468-8014

LEGAL NOTICE PUBLIC HEARING

The Zoning Board of Appeals of the Town of Wenham, Massachusetts will hold a Public Hearing on **Thursday February 18, 2021 at 7:30 p.m.** on the petition of **Donna Davis, 4 Eaton Rd. Wenham, MA**, for a variance from Sections 5.1 (Table of Dimensional Requirements) per Section 4.4.3.2 (Variance Required) to construct a one story addition to an existing nonconforming single family residence at **4 Eaton Rd (Assessor's Map 16, Lot 061)**. This public hearing will be held virtually via ZOOM, at which time all interested persons may appear and be heard in relation thereto. The link to the ZOOM meeting will be available on the Zoning Board of Appeals agenda which can be found on the Town's Calendar of Upcoming Events at www.wenhamma.gov 48 hours prior to the Public Hearing.

Plans and accompanying documents can be viewed on the Town's website at https://www.wenhamma.gov/town_government/boards_and_committees/zoning_board_of_appeals.php

Please contact Margaret Hoffman Planning Coordinator at 978-468-5520 Ext 8 or at mhoffman@wenhamma.gov for further information.

Anthony Feeherry
Chairman
Wenham Board of Appeals

For Publication in the Chronicle and Transcript – Thursday February 4, 2021
Thursday February 11, 2021

cc: Town Clerk
Abutters



January 25, 2021

Wenham Zoning Board of Appeals
Wenham Town Hall
138 Main Street, 2nd Floor
Wenham, MA 01984

By Hand Delivery

**Subject: Application to Variance Request
 Extend a Non-Conforming Structure at
 4 Eaton Road (Map 16, Lot 61)**


Ladies and Gentlemen:

On behalf of the property owner and Petitioner, Donna Davis, we are pleased to provide five (5) copies of the attached Zoning Board of Appeals Application with accompanying project plans, architectural drawings, and a \$250 filing fee for the subject property.

In summary, the Petitioner proposes to construct a small one-story home-office addition to her existing non-conforming single-family residence. The existing parcel is a non-conforming lot located in the Residential (R) zoning district. A Variance from Section 5.1 in accordance with Section 4.4.3.2 and Section 13.6 of the Town Zoning Bylaws is requested as described in the Application.

We look forward to discussing this Application with the Board. Should you have any questions or comments, or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Griffin Engineering Group, LLC


Robert H. Griffin, P.E.

Enclosures: Application w/ Plans & Attachments (5 copies)
Filing Fee - \$250

Cc: D. Davis (1 copy)
H. Squires (1 copy)



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:

1/12/2021

PHONE:

EMAIL:

APPLICANT:

Donna Davis

LOCATION OF PROPERTY:

4 Eaton Rd Wenham

Applicable Section of Zoning Bylaw:

Sections 4.4.3.2, 5.1, & 13.6

NATURE OF APPLICATION:

(attach narrative and or site plan as appropriate)

Please see attached description

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

[Signature]

ATTACHMENT A

The Petitioner, Donna Davis, proposes to construct a small one-story addition to an existing nonconforming single-family residence increasing the pre-existing, nonconformity. The Petitioner seeks the following relief from the Board of Appeals:

- A Variance from Section 5.1 in accordance Section 4.4.3.2 and 13.6 of the Town of Wenham Zoning By-laws granting the Petitioner permission to increase the existing side yard nonconformity from 14.4-ft to 5.3-ft where 15-ft is required in the Residential district.

EXISTING LOT AND STRUCTURE

The existing parcel is a nonconforming lot located in the Residential District (R). The lot is deficient with current zoning requirements in lot area and frontage as shown in Table 1 below.

Table 1 – Nonconforming Lot Dimensions

<u>Description</u>	<u>Required</u>	<u>Existing</u>
Lot Area	40,000 sq. ft.	10,143 sq. ft.
Frontage	170-feet	100-feet

The Petitioner proposes no changes to the lot size or parcel boundaries.

The property is currently developed with an approximately 1,700 square-foot single-family residence with associated bituminous driveway and shed. The site is served by municipal water and an on-site wastewater disposal system. The existing dwelling front and rear yard setbacks comply with the Residential District zoning requirements, but encroaches into the side yard setback. The existing dwelling is located approximately 14.4-feet from the east lot line at its closest point, which is less than the 15-feet required in the Residential District. A fire destroyed the western half of the existing dwelling in March 2020 and is currently being rebuilt.

PROPOSED ADDITION

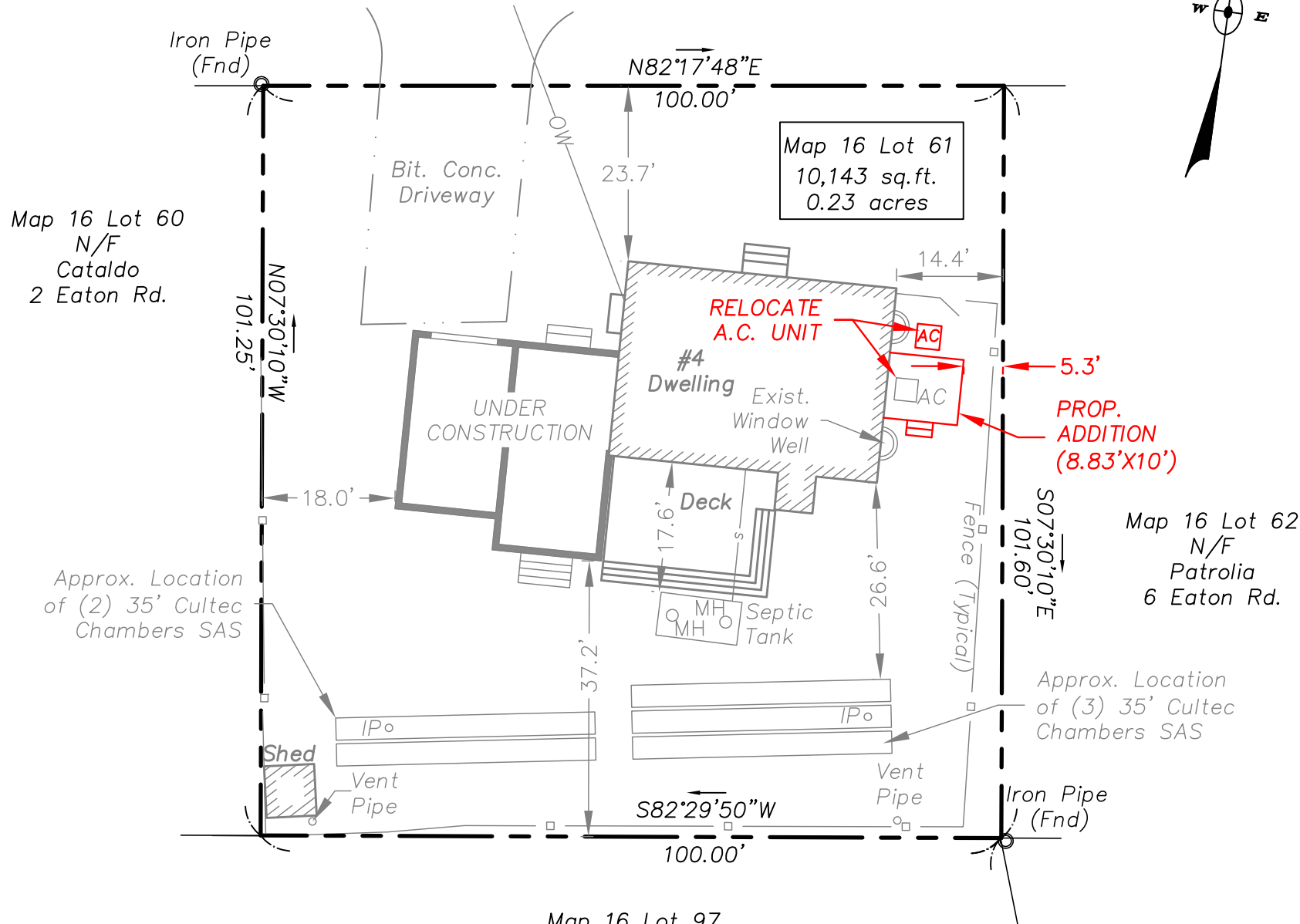
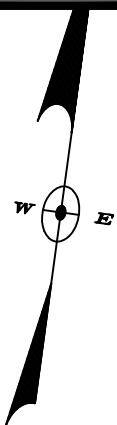
As shown on the accompanying plan, the Petitioner proposes to construct an 88-sq. ft. one-story addition to the existing dimensionally nonconforming residence on the nonconforming lot. The proposed addition is located on the east façade of the existing dwelling and will be of conventional wood-frame construction on a cast-in place concrete foundation. The addition will increase the lot coverage to 29.3% which is only a 0.8% increase over existing conditions. This is still well under the maximum allowed lot coverage of 50%. The Petitioner is requesting relief to decrease the side-yard from 14.4-feet to 5.3-feet where 15-ft is required.

The hardship borne by the Petitioner include the existing substandard lot size relative to the R zoning district requirements, the narrow width of the lot along Easton Road, the location of the existing dwelling on the parcel, the interior layout of the existing dwelling and location of the on-site wastewater system, all of which create substantial hardships that prevent the Petitioner from constructing the addition at any other location than the

one shown on the plans.

Locating the addition on the west or north side of the dwelling will encroach into the front or west side-yard setbacks creating a new nonconformity. The location of the existing on-site wastewater disposal system prevents the addition from being located on the south side of the dwelling. An existing bathroom located on the southeast corner of the dwelling and an existing foundation window well do not allow the addition to be located further south along the east façade. The granting of the requested variance is justified given the aforementioned hardships. The addition will not be detrimental to the public good nor substantially derogate from the intent and purpose of the Bylaw.

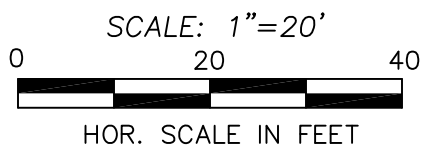
EATON ROAD



LEGEND

- $\overrightarrow{N90^{\circ}00'00''E}$
28.52' ———— PROPERTY LINE
- ////// BUILDING
- · · · — · · · — EDGE OF PAVEMENT
- □ — FENCE
- OW — OVERHEAD WIRES
- IPo — INSPECTION PORT
- MH — MANHOLE
- PROP. ADDITION

Map 16 Lot 97
N/F
Squires
128 Topsfield Rd.



ZONING TABLE			
ZONING DISTRICT: RESIDENTIAL			
	REQUIRED	EXISTING	PROPOSED
LOT AREA, S.F.	40,000	10,143 (1)	10,143 (1)
FRONTAGE, FT	170	100.00 (1)	100.00 (1)
LOT WIDTH, FT	100	100.00	100.00
SETBACK:			
FRONT, FT	20	23.7	23.7
SIDE, FT	15	14.4 (1)	5.3 (2)
REAR, FT	15	37.2	37.2
MAX. BLDG HEIGHT, FT	35	<35	<35
MAX. LOT COVERAGE	50%	28.5%	29.3%

(1) EXISTING NON-CONFORMITY.
(2) RELIEF REQUIRED

PLAN REFERENCES & NOTES:

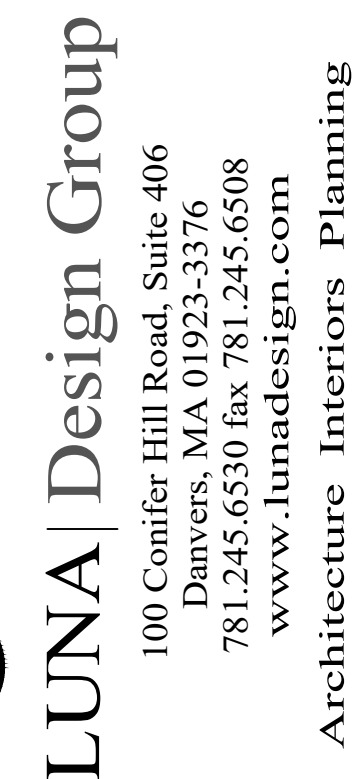
- 1) RECORD OWNER: DONNA M. DAVIS
- 2) TITLE REFERENCE: ESRD DEED BK. 36057, PG. 295.
- 3) ESRD PLAN REFERENCES:
 - PLAN BK. 102, PLAN 33
 - PLAN BK. 79, PLAN 10
- 4) ZONING DISTRICT: RESIDENTIAL DISTRICT (40,000 SF).
- 5) FEMA FLOOD MAP NO. 25009C0406F DATED 7/3/12 INDICATES THAT THE SITE IS LOCATED WITHIN A ZONE X, WHICH IS AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- 6) EXISTING CONDITIONS SURVEY BY LEBLANC SURVEY ASSOCIATES, INC OF DANVERS, MA ON AUGUST 31, 2020.
- 7) FOR FURTHER INFORMATION REGARDING BUILDING ADDITION DIMENSIONS SEE ARCHITECTURAL PLANS BY LUNA DESIGN GROUP OF DANVERS, MA.

PLOT PLAN FOR BUILDING PERMIT
MAP 16, LOT 61
4 EATON ROAD
WENHAM, MASSACHUSETTS

PREPARED FOR:
DONNA M. DAVIS

PREPARED BY:
GRIFFIN ENGINEERING GROUP, LLC
495 CABOT STREET, 2ND FLOOR
BEVERLY, MA 01915
(978) 927-5111

JANUARY 25, 2021



These CAD documents are recorded on, or can be transmitted as, electronic media. They are therefore subject to undetectable alteration or erasure, either intentional or unintentional, due to, among other causes: transmission, conversion, media degradation, software error, or human alteration. Accordingly, Luna Design Group, Inc. shall not be held liable for any claims, losses, damages, or costs arising out of any such alteration or unauthorized re-use or modification of any of these CAD documents.

Donna Davis
4 Eaton Road
Wenham, Massachusetts 01984

The Residence At
4 Eaton
Road
Wenham, Massachusetts 01984

[illegible][illegible]

Date	DECEMBER 14, 2020
Scale	1/4" = 1'-0"
Job No.	DAV200__a
File	Proposed

Proposed Basement Plan

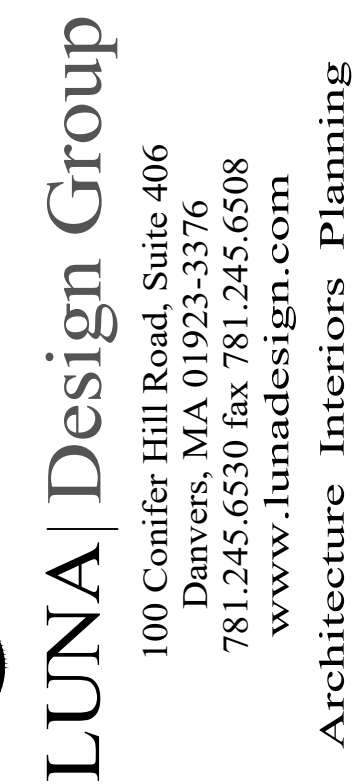
A1.00

-

 SHADED AREA DENOTES NEW WALLS

① Proposed Basement Plan
Scale: $\frac{1}{4}" = 1'-0"$

© 2020 LUNA Design Group, Inc. - All Rights Reserved. These documents are copyright protected.



These CAD documents are recorded on, or can be transmitted as, electronic media. They are therefore subject to undetectable alteration or erasure, either intentional or unintentional, due to, among other causes: transmission, conversion, media degradation, software error, or human alteration. Accordingly, Lura Design Group, Inc. shall not be held liable for any claims, losses, damages, or costs arising out of any such alteration or unauthorized re-use or modification of these CAD documents.

Donna Davis
4 Eaton Road
Wenham, Massachusetts 01984

Project:

The Residence At
4 Eaton
Road
Wenham, Massachusetts 01984

[illegible]

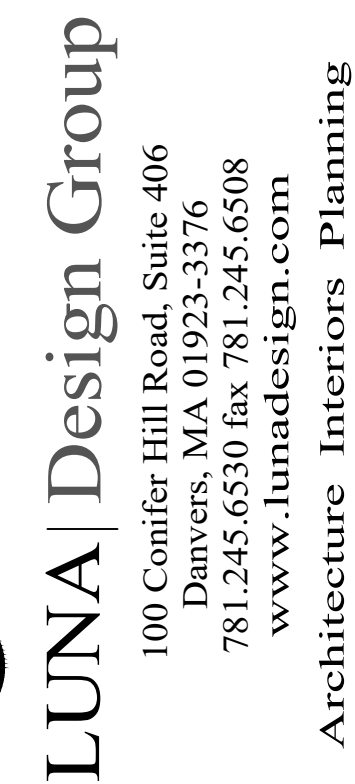
Stamp:	Date
	DECEMBER 14, 2020
	Scale
	1/4" = 1'-0"
	Job No.
	DAV200__a
	File
	Proposed

Proposed First Floor Plan

A1.01

- [illegible]

 SHADED AREA DENOTES
NEW WALLS



These CAD documents are recorded on, or can be transmitted as, electronic media. They are therefore subject to undetectable alteration or erasure, either intentional or unintentional, due to, among other causes: transmission, conversion, media degradation, software error, or human alteration. Accordingly, Luna Design Group, Inc. shall not be held liable for any claims, losses, damages, or costs arising out of any such alteration or unauthorized re-use or modification of these CAD documents.

Donna Davis
4 Eaton Road
Wenham, Massachusetts 01984

The Residence At
4 Eaton
Road
Wenham, Massachusetts 01984

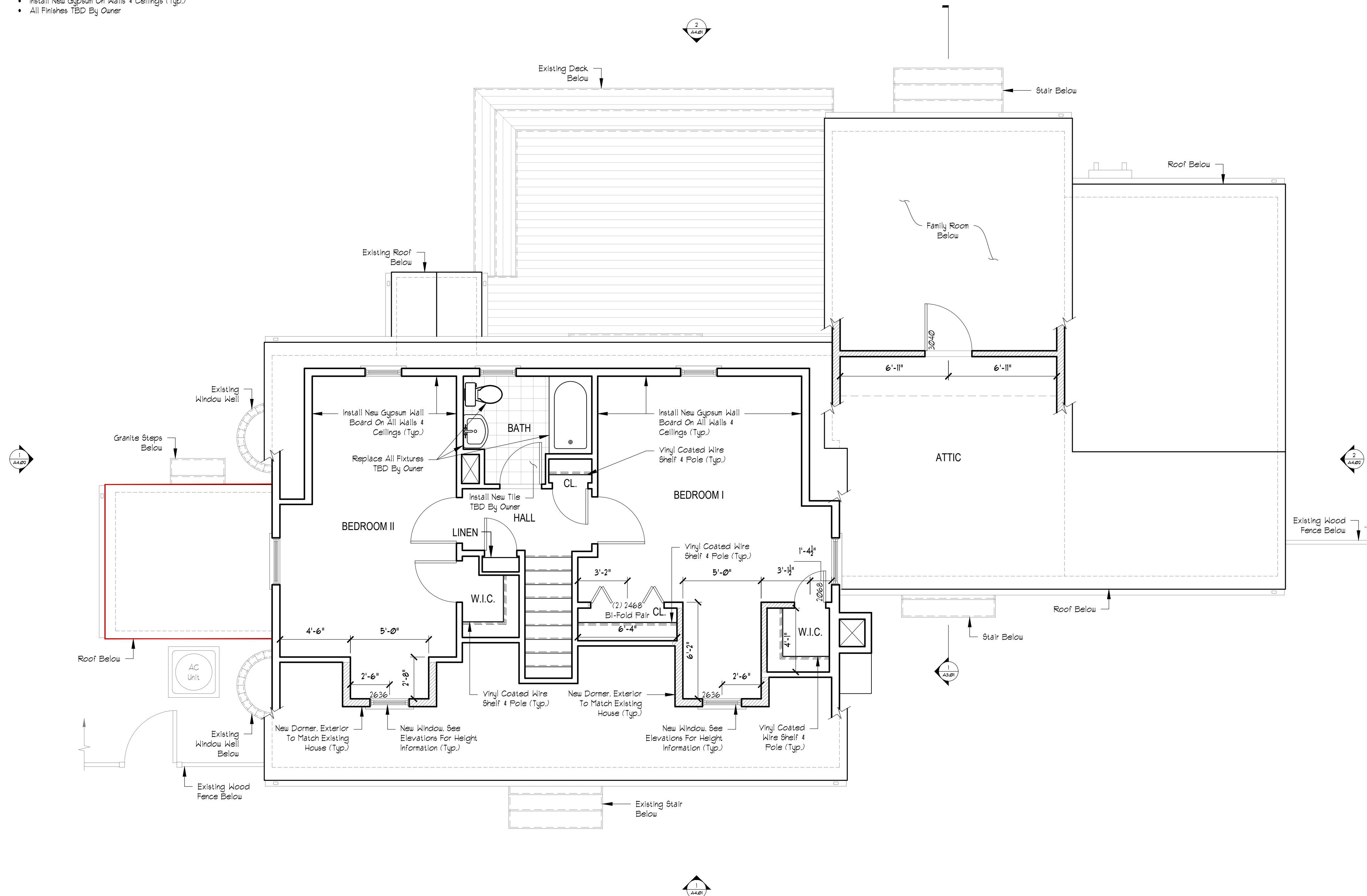
[illegible]

Date	DECEMBER 14, 2020
Scale	1/4" = 1'-0"
Job No.	DAV200__a
File	Proposed

Proposed Second Floor Plan

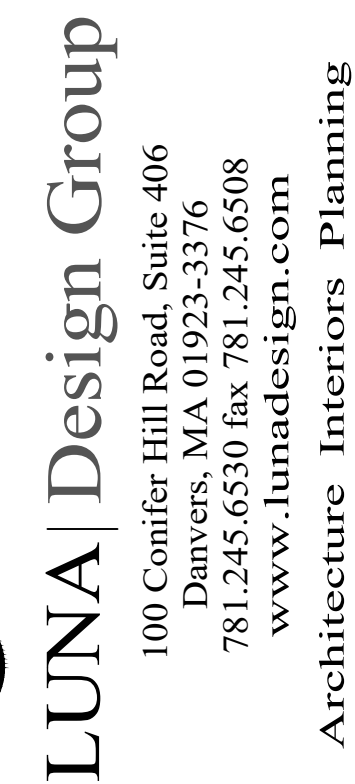
A1.02

- Notes:
- Remove & Replace All Items Damaged By Fire, Patch & Paint As Required (Typ.)
 - Install New Gypsum On Walls & Ceilings (Typ.)
 - All Finishes TBD By Owner

 SHADED AREA DENOTES NEW WALLS

1 Proposed Second Floor Plan
Scale: $\frac{1}{4}" = 1'-0"$

© 2020 LUNA Design Group, Inc. - All Rights Reserved. These documents are copyright protected.



These CAD documents are recorded on, or can be transmitted as, electronic media. They are therefore subject to undetectable alteration or erasure, either intentional or unintentional, due to, among other causes: transmission, conversion, media degradation, software error, or human alteration. Accordingly, Lura Design Group, Inc. shall not be held liable for any claims, losses, damages, or costs arising out of any such alteration or unauthorized re-use or modification of these CAD documents.

Donna Davis
4 Eaton Road
Wenham, Massachusetts 01984

The Residence At
4 Eaton
Road
Wenham, Massachusetts 01984

[illegible]

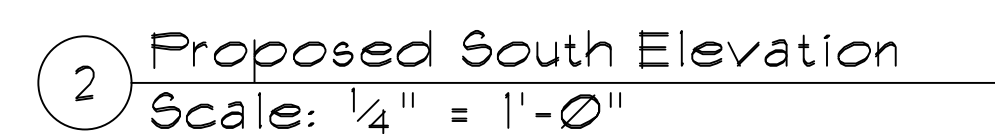
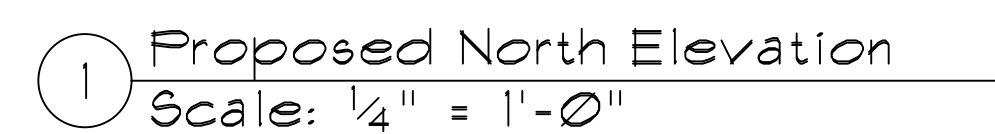
Proposed Roof Plan

A1.03

-
- Architectural roof plan for a 1.5-story house with a 24/12 pitch. The plan shows a main roof with a central ridge and two gables. It includes details for eaves, rakes, and ridges, as well as material specifications like 'CertainTeed Independence' shingles and 'Ice & Water Shield' underlayment. Annotations indicate the location of existing features like decks, stairs, and window wells, and specify new additions like aluminum gutters and downspouts.
- Key features and annotations include:
- Pitch:** 24/12 (indicated by a triangle with 24 on the vertical side and 12 on the horizontal side).
 - Roof Sections:** Eave, Ridge, Rake, Pitch Dn V.I.F.
 - Materials:** CertainTeed "Independence" 3-Tab Architectural Asphalt Comb Roof Shingles To Match Existing House (Typ.); Ice & Water Shield All Valleys & Ridges Per Manufacturer Specifications (Typ.).
 - Existing Features:** Existing Deck Below, Stair Below, Existing Window Well, Existing Wood Fence Below, Existing Stair Below, Existing Wood Fence Below, Existing Window Well, Existing Wood Fence Below.
 - New Additions:** Aluminum Downspout (Typ.), Seamless Aluminum Gutter (Typ.), Granite Steps Below, AC Unit, Chimney, Stair Below.

 SHADED AREA DENOTES NEW WALLS

1 Proposed Roof Plan
Scale: $\frac{1}{4}" = 1'-0"$



Consultant:

These CADD documents are recorded on, or can be transmitted as, electronic media. They are therefore subject to undetectable alteration or erasure, either intentional or unintentional, due to, among other causes: transmission, conversion, media degradation, software error, or human alteration. Accordingly, Luna Design Group, Inc. shall not be held liable for any claims, losses, damages, or costs arising out of any such alteration or unauthorized re-use or modification of these CADD documents.

Owner:

Donna Davis
4 Eaton Road
Wenham, Massachusetts 01984

Project:

The Residence At
4 Eaton
Road
Wenham, Massachusetts 01984

Locus Plan:

[illegible]

Stamp:	Date
	DECEMBER 14, 2020
	Scale
	1/4" = 1'-0"
	Job No.
	DAV200__a
	File
	Proposed

Sheet Title:

Proposed North & South Elevations

Sheet No.:

A4.01



These CAD documents are recorded on, or can be transmitted as, electronic media. They are therefore subject to undetectable alteration or erasure, either intentional or unintentional, due to, among other causes: transmission, conversion, media degradation, software error, or human alteration. Accordingly, Luna Design Group, Inc. shall not be held liable for any claims, losses, damages, or costs arising out of any such alteration or unauthorized re-use or modification of these CAD documents.

Donna Davis
4 Eaton Road
Wenham, Massachusetts 01984

The Residence At
4 Eaton
Road
Wenham, Massachusetts 01984

Locust Plant:

Stamp:	Date DECEMBER 14, 2020
	Scale 1/4" = 1'-0"
	Job No. DAV200__a
	File Proposed

Proposed East & West Elevations

Sheet No.: _____

A4.02

