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TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS

Special Permit

***Karen E. Han, Applicant
34 Grosvenor Road
Map 14, Parcel 46***

(Filed during the Municipal Relief Legislation, Chapter 53 of the Acts 2020)

June 17, 2021

34 Grosvenor Road – Public notice was given that Karen Han, applicant, made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 4.2.1, 7.5.2 and any other applicable Sections of the By-Law to allow the change, extension, alteration, and enlargement to a lawful, pre-existing, non-conforming building associated with the addition of a mudroom and covered back patio to a detached two-car garage. The property is located at 34 Grosvenor Road, Needham, MA in the SRB District. A public hearing was held at Powers Hall, Needham Town Hall, 1471 Highland Avenue, Needham, MA at 7:30pm

Documents of Record:

- Application for Hearing, Clerk stamped May 24, 2021.
- Amendment Letter dated May 26, 2021; Clerk stamped May 27, 2021.
- Plot Plan, *Proposed Mudroom Connected to the Proposed Pavilion Roof* prepared and stamped by Dennis O'Brien, professional land surveyor, dated February 10, 2021.
- Design Plans, 1-6, prepared by Susan Koslow, dated October 27, 2020.
- Building Permit #6844, dated February 24, 1947.
- Building Permit #3357, dated September 10, 1959.
- Historic Photo of property circa late 1940's – 1950's.
- Email from Dave Roche, Building Commissioner, dated June 8, 2021.
- Email from Thomas A. Ryder, Assistant Town Engineer, dated June 10, 2021.
- Letter from Lee Newman, Director of Planning and Community Development, dated June 14, 2021.

June 17, 2021

The Board included Jon D. Schneider, Chair; Howard Goldman, Member; and Peter Friedenbergl, Associate Member. Also participating was Kathy Lind Berardi, Associate Member. Mr.

Schneider opened the hearing at 7:35 p.m. by reading the public notice.

Karen Han, applicant, stated that there are no proposed changes to the current single-family home or garage. The current proposal is to create a staging entry space for the front and rear entries which currently open directly outdoors, and to create a patio space behind the garage for outdoor gatherings with an unenclosed roof structure.

The outdoor patio space would have a poured concrete floor with a roof structure and a gas line for heating or a fireplace.

She noted that garage which was built with the house in 1947 is non-conforming as to side setback at 10'3". In addition, the garage is too close to the home at 2'7" which does not conform to the minimum 10' distance required between an accessory and a primary structure.

The proposed attached patio roof structure and patio will have a 12' side setback.

Mr. Schneider questioned the need for a Special Permit since the proposed patio is conforming and could be done by right. Ms. Han explained that since the proposed roof will be attached to the house and garage, by definition, it makes the single-family non-conforming as to side setback requiring a Special Permit. She noted that she was seeking this permit under the direction of Dave Roche, the Building Commissioner.

Mr. Friedenberg highlighted that the garage being too close to the house was also an issue identified by the Building Commissioner and by attaching all the buildings it creates one non-conformity. The Board agreed that the proximity of the garage to the house was unusual.

Ms. Han provided documentation that the house was a legal non-conforming structure - the 1947 building permit for the house and garage; a plot plan from 1959; and a historic photo of the house and garage from the 1940s-1950s.

Faith Crisley, 26 Grosvenor Road, was in support of the project. She said she cannot see the patio from her yard or from the street; and that the project would not change the character of the neighborhood.

Comments received:

- Planning Board had no comment.
- Engineering Department requested that the plot plan and architectural plans match; and that erosion controls and stormwater mitigation be reflected in the plans prior to receiving a building permit. Ms. Han had no issue complying with the request.
- Building Department believe the proposal would not be a detriment to the surrounding properties and supported the project.

Mr. Goldman was satisfied that there were no new non-conformities with the proposed project and that the applicant demonstrated that the property was a legal, pre-existing non-conforming structure created in 1947.

Mr. Freidenberg moved to grant a Special Permit under Sections 1.4.6, 4.2.1 and 7.5.2 of the By-Law to allow the change, extension, alteration, and enlargement to a lawful, pre-existing, non-conforming building located at 34 Grosvenor Road associated with the addition of a mudroom and covered back patio to a detached two-car garage as shown in the plans submitted to the Board. Mr. Goldman seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:50 p.m.

Findings:

On the basis of the evidence presented at the hearing, the Board makes the following findings

1. The property is located in the Single Residence B District on a 9,825 square foot lot, improved with a single-family home and a detached garage. The lot has 75 feet of frontage. The lot is non-conforming since it does not have the 10,000 square feet of area or 80 feet of frontage required in the Single Residence B District.
2. The home and garage were built in 1947 when there was no requirement for separation between the house and the garage or side setback. The garage is 2'7" from the house. The garage became non-conforming when the By-Law was amended to require a minimum 10' distance between a primary structure and an accessory structure. As a result, the garage is not considered to be an accessory structure and must comply with the setback requirement for a primary structure. The garage is 10.3 feet from the side line as contrasted with the current requirement of 12 feet but is a legally non-conforming. The side setback required is 12 feet rather than 14 feet because the lot has less than the required 80 feet of frontage.
3. The applicant proposes to construct a covered back patio and a mudroom that will attach the existing two car garage to the house
4. The new patio roof will be constructed 12 feet from the side lot line, thereby conforming to the current side setback requirement.
5. Relief sought is by Special Permit under Sections 1.4.6.
6. The proposed construction will not be substantially more detrimental to the neighborhood than the existing non-conforming structure and will not place the structure in violation of any dimensional, parking or intensity regulation with which the structure was thereto fore in conformity. The issuance of a Special Permit is consistent with the criteria of Section 7.5.2.

Decision:

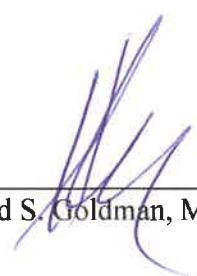
On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the applicant a Special Permit under Sections 1.4.6 of the By-Law to allow construction of a covered back patio and a mudroom that will attach the existing two car garage to the house, as set forth on the submitted plan.

SIGNATORY PAGE –34 GROSVENOR ROAD



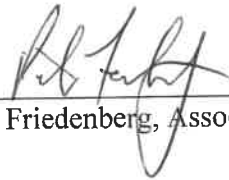
Jon D. Schneider, Chair

SIGNATORY PAGE – 34 GROSVENOR ROAD



Howard S. Goldman, Member

SIGNATORY PAGE – 34 GROSVENOR ROAD



Peter Friedenber, Associate Member