



TOWN OF FRAMINGHAM
ZONING BOARD OF APPEALS

150 Concord Street B2
Framingham, MA 01702

2017 JUL -3 P 2:56

TOWN CLERK
FRAMINGHAM

BOARD OF APPEALS CASE NO. 17-25

PETITION OF GUNADI KARJADI

DATE OF DECISION: JUNE 20, 2017

1. Application

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) on the Application of GUNADI KARJADI (hereinafter the Applicant), for property located at 20 AMY ROAD. This Decision is in response to a Petition for a Finding for the extension of a preexisting nonconforming single-family dwelling as required by the Zoning By-Law (hereinafter the Application).

2. Applicant/Property Owner

Gunadi Karjadi and Haryani Kwanarta
20 Amy Road
Framingham, MA 01702

3. Location

Property is located at 20 Amy Road and identified by Assessors' Parcel ID 056-10-6967-000 (hereinafter the Site).

4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on June 20, 2017 the Board voted to GRANT the requested FINDING by a unanimous vote in favor of the petition of three (3) members sitting on the Application. The record of the vote is stated as follows:

PHILIP R. OTTAVIANI, JR.	YES
SUSAN S. CRAIGHEAD	YES
ROBERT SNIDER	YES

5. Proceedings

The Application was received by the Board on May 10, 2017 pursuant to MGL, Ch. 40A, §6, and the Framingham Zoning By-Law. The Application was considered by the Board at a duly noticed public hearing of the Board on June 20, 2017 at 7:00 P.M. in the Blumer Community Room of the Memorial Building. Board Members Philip R. Ottaviani, Jr., Susan Craighead, Robert Snider, and Alternate John "Rick" McKenna were present throughout the proceedings. The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute the record of the proceedings, may be referred to in the Office of the Zoning Board of Appeals at the Memorial Building.

The property owner, Mr. Gunadi Karjadi, was present and explained the request to convert existing patio space into living space with a kitchen, dining, and a covered porch area. The

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Single Family Residence (R-4) zoning district requires a minimum lot area of 43,560 square feet. The existing lot area is 20,680 square feet and would not be affected by the proposal. The proposed extension will comply with all zoning requirements, with the exception of lot area. Mr. Ottaviani commented that the extension is not substantially more detrimental to the neighborhood than the existing nonconformity. Board members voiced no concern.

6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

- 6.1. Application filed with the Building Official for an addition to an existing nonconforming single family structure, dated May 8, 2017.
- 6.2. Application for Hearing before the Zoning Board of Appeals filed with the Town Clerk on May 19, 2017.
- 6.3. Filing fee in the amount of \$300.00.
- 6.4. Memorandum in support, prepared by the Applicant, stamped "Received" by ZBA staff on May 10, 2017.
- 6.5. Mortgage Inspection Plan entitled "Amy Road", dated December 3, 1992.
- 6.6. Plan set entitled "Addition to the Residence of Mr. & Mrs. G. Karjadi" dated May 2, 2017, prepared by Gunadi Karjadi, P.E., Structural Designer, displaying Floor Plans (S-1), Floor Plans (S-2), Ceiling Framing Plan (S-3), Roof Framing Plan (S-4), Elevations and Sections (S-5).

Exhibits 6.5 and 6.6 shall be hereinafter referred to as the "Plans".

7. Findings and Conclusions

Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

- 7.1. The property is located within the Single Family Residence (R-4) zoning district.
- 7.2. On May 8, 2017 the Building Commissioner denied the application for an addition at the existing patio area and determined that a Finding was required for the proposed addition under §I.D.5.b of the Zoning By-Law.
- 7.3. On May 19, 2017, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a Finding pursuant to the By-law and M.G.L. c. 40A, §6.
- 7.4. Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on June 5 and 12, 2017 and mailed to all parties-in-interest, as defined by G.L. c. 40A, §11. No Town Meeting Members appeared at the hearing.
- 7.5. A Finding is necessary because the property is lawfully pre-existing non-conforming with respect to lot area. The proposed addition will increase the lot coverage and height of the structure, but those dimensions are compliant with the Zoning Bylaw.
- 7.6. G.L. c. 40A, §6 applies to pre-existing, nonconforming uses or structures and requires a Finding when the nonconforming structure is extended or altered in such a way that the

extension does not at all affect the nonconformity. *The Board finds that the proposed addition will not increase the nonconforming nature of the structure, and that it will not be substantially more detrimental to the area than the existing structure.*

- 7.7. The Board grants this Application with the following condition:
 - 7.7.1. The addition shall be located and constructed as shown on the Plans.
- 7.8. This Decision applies only to the requested Finding. Other approvals or permits required by the By-Law, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 7.9. If the rights authorized by this Finding are not exercised within two years of the date of the filing of this Decision with the Town Clerk, said Finding shall lapse. If construction or substantial use has not commenced within this two-year period, the Applicant may request an extension by submitting a written Application to the Board which contains an explanation of good cause for the failure to exercise the rights of this Finding. A written request for an extension must be submitted to the Board at least 30 days prior to the expiration of the two-year period.
- 7.10. This Decision shall be recorded at (as appropriate) the Middlesex South District Registry of Deeds or District of the Land Court prior to the issuance of a Building Permit. A copy of the recorded or filed Decision certified by the Registry, and notification by the owner of the recording, including recording information, shall be furnished to the Board and the Building Official.
- 7.11. The terms, conditions and provisions of this Decision shall run with the land and shall be binding upon the Applicant, its successors in interest and assigns, and shall be enforceable by the Town of Framingham.

8. Appeals

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, §17 and shall be filed within twenty (20) days after the date of filing this Decision with the Town Clerk.

ZONING BOARD OF APPEALS

By:  _____
Philip R. Ottaviani, Jr., Chairman