



ZONING BOARD OF APPEALS

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

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 (781) 431-1019 EXT. 2208
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ZBA 2016-37
 Petition of Shelby Enterprises, Inc.
 19 Abbott Road

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 MAY 19 2 24 PM '16

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 5, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Shelby Enterprises, Inc. requesting a Special Permit/Finding pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw that reconstruction, alteration and enlargement of an existing nonconforming garage with less than required rear yard and right side yard setbacks, in a Business District where any purpose authorized in a Single Residence District is allowed, at 19 Abbott Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 19, 2016, 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 George Giunta, Jr., Esq., Henry Bobek, Architect and Gary Kaufman, Principal, Shelby Enterprises, Inc., the Petitioner.

Mr. Giunta said that the lot is primarily located in a SR10 District but there is a small strip at the back that is located in a Business District. He said that the lot complies with requirements with over 13,000 square feet of area and 68 feet of frontage. He said that the existing house is currently being rehabbed. He said that the existing one-car garage appears to have been built in 1930 before the 20 foot side yard setback requirements came into effect. He said that the garage is located 10.1 feet off of the side lot line and 7.9 feet from the rear lot line. He said that rear yard setback requirements came into effect in 1981. He said that the existing house is also nonconforming on the side.

Mr. Giunta said that the proposal is to enlarge the one-car to a two-car garage with the additional bay located at the left interior side. He said that the proposal is to keep the rear wall intact and extend it at 7.9 feet, the result of which requires a special permit/finding. He said that the roof will have to come off and be rebuilt.

Mr. Kaufman said that there is a poured concrete pad foundation under the garage. The Board asked why the garage will not be moved. Mr. Kaufman said that it would take up too much green space and there would have to be too much pavement to reach the garage. He said that there is an existing deck on the house that they want to maintain the setback from.

Mr. Giunta said that there is a substantial grade differential from front to back. He said that there is a walk out basement on the house and the garage is a few feet lower than that. He said that you only see the

top of the garage from the street. He said that the proposed plans seem to be the path of least resistance. He said that it maintains a good yard space at the back of the house.

The Board said that the height of the garage will increase by six feet. Mr. Giunta said that a commercial building is located behind the garage that towers over the lot.

Mr. Kaufmann said that there will not be a second floor on the garage. He said that he is trying to bring the house back to its former self. He said that they removed the vinyl siding and have gone back to cedar clapboard. He said that they wanted to restore the house to its original grandeur and make it fit nicely in the neighborhood.

Mr. Giunta said that the window and door will be on the left elevation of the garage and will face the interior of the lot.

The Board said that there is no compass rose on the plot plan.

Mr. Kaufmann said that they had to take a couple of trees down. He said that one tree had roots going into the sewer line. He said that they took down a tree at the rear that they thought might fall down. He said that they worked with the neighbor to the right who had a dead tree.

A Board member said that he was not able to get a close look at the existing garage but it did not appear to be in good shape. He said that he was surprised that the request was not to replace it. Mr. Kaufmann said that his contractors told him that it is solid.

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 19 Abbott Road, in a 10,000 square foot Single Residence District and a Business District, with a minimum right side yard setback of 12.1 feet for the main structure, a minimum right side yard setback of 10.1 feet and a minimum rear yard setback of 7.9 feet for the garage.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XI and Section XXV of the Zoning Bylaw that reconstruction, alteration and enlargement of an existing nonconforming garage with less than required rear yard and right side yard setbacks, in a Business District where any purpose authorized in a Single Residence District is allowed, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/14/16, stamped by Bradley J. Simonelli, Professional Land Surveyor, and Existing and Proposed Floor Plans and Elevation Drawings, dated 4/8/16, prepared by Signature Designs Architecture, were submitted.

On May 5, 2016, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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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 although reconstruction, alteration and enlargement of an existing nonconforming garage with less than required rear yard and right side yard setbacks, in a Business District where any purpose authorized in a Single Residence District is allowed is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for reconstruction, alteration and enlargement of an existing nonconforming garage with less than required rear yard and right side yard setbacks, in a Business District where any purpose authorized in a Single Residence District is allowed, 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.

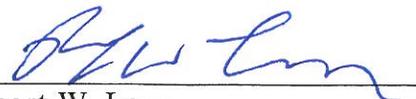
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ZBA 2016-37
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE
PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman

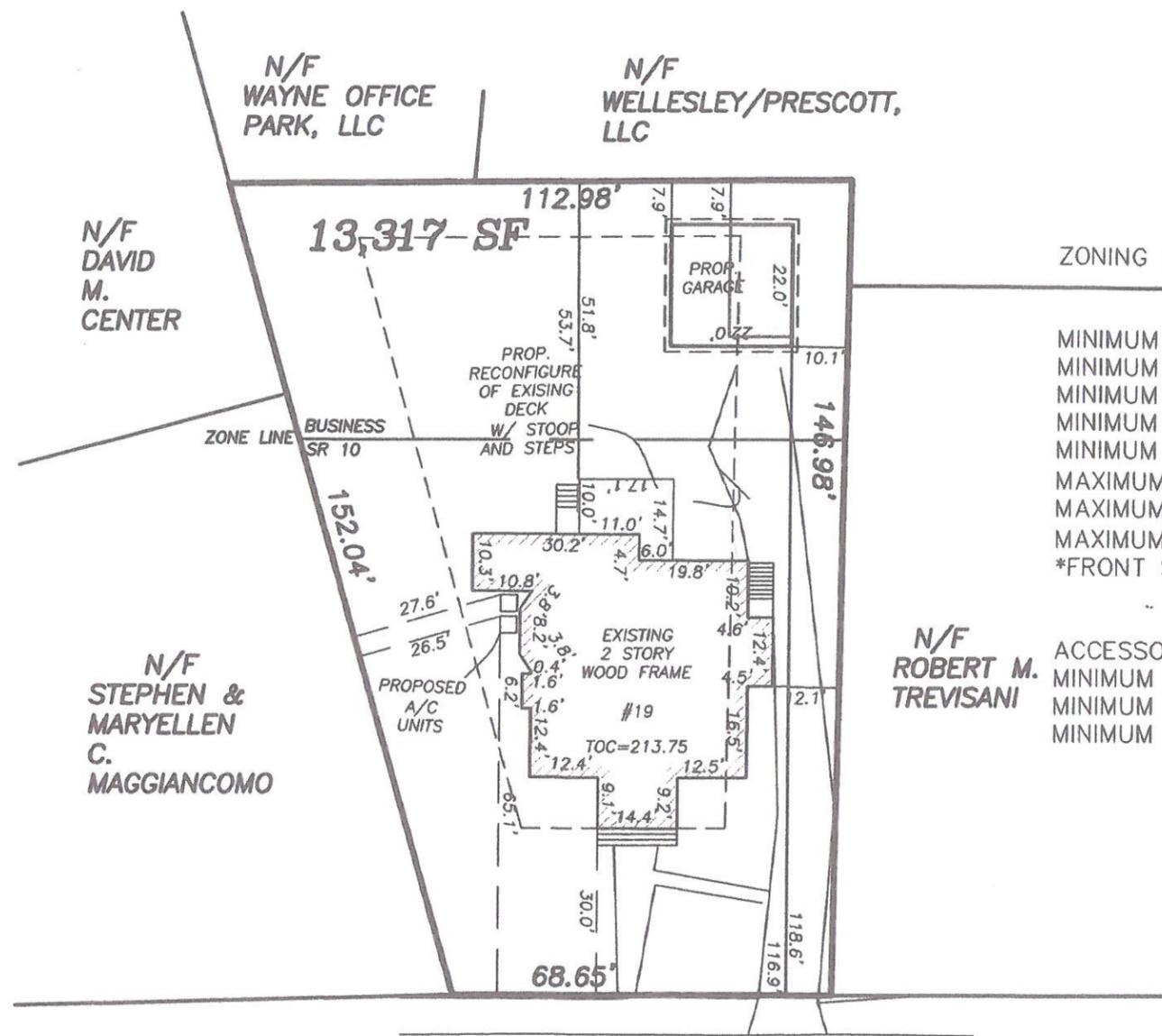

Robert W. Levy


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

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2016 APR 19 A 11:32



ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	BYLAW	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	13,317 SF	13,317 SF
MINIMUM LOT FRONTAGE	60 FEET	68.65 FEET	68.65 FEET
MINIMUM FRONT SETBACK	30 FEET*	30 FEET	30 FEET
MINIMUM SIDE YARD	20 FEET	12.1 FEET	14.0 FEET
MINIMUM REAR YARD	10 FEET	51.8 FEET	53.7 FEET
MAXIMUM BUILDING COVERAGE	2663 SF (20%)	2656.8 (19.9%)	2660.5 SF (19.9%)
MAXIMUM BUILDING HEIGHT	36 FEET		
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES		

*FRONT SETBACK DETERMINED BY 500 FOOT RULE

N/F
ROBERT M.
TREVISANI

ACCESSORY STRUCTURE

MINIMUM FRONT SETBACK	30 FEET*	118.6 FEET	116.9 FEET
MINIMUM SIDE YARD	20 FEET	10.1 FEET	10.1 FEET
MINIMUM REAR YARD	10 FEET	7.9 FEET	7.9 FEET



ABBOTT ROAD

ZONING BOARD OF APPEALS
PERMIT PLAN
19 ABBOTT ROAD
WELLESLEY, MASS.

Field Resources, Inc.
LAND SURVEYORS

MARCH 14, 2016 SCALE 1"=30'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com