



## ZONING BOARD OF APPEALS

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

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ZBA 2019-100  
Petition of Kimberly & Glenn Engler  
9R Locust Road

2019 DEC 19 A 8:37  
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 5, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Kimberly & Glenn Engler requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for construction of a side-facing two-car garage with less than required side yard setbacks, at 9R Locust Road, in a 20,000 square foot Single Residence District.

On November 14, 2019, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing was Kimberly Engler, the Petitioner, who said that the request is to build a garage to replace one that had to be removed. She said that she bought the house in 1996 and raised her children there. She said that they always had a garage underneath the house. She said that recently they had to replace their septic system before it failed, which involved loss of the garage. She said that the back of the property was all pavement with a long driveway that goes around the house. She said that the new septic system is quite large and takes up the entire back yard that is located in Wellesley.

Ms. Engler said that the proposal is for a 24 foot by 24 foot garage that faces the neighbor at 7 Locust Road. She said that she has a letter of support from that neighbor. She displayed pictures of her yard.

Ms. Engler said that the architect that drew the plans for the garage did not know about the 30 foot side yard setback requirement. She said that the proposed setback is 22.5 feet setback. She said that she is now looking to potentially shorten it to 20 to 21 feet with the same width of 24 feet. She said that they had the soil tested when they put the septic system in and found that ledge is not an issue. She said that they can flatten the hill to make an area to pull out of the garage.

Ms. Engler said that the proposed garage will be for two cars, with a single door, tucked behind the house and not seen from the street if the length is reduced to 20 feet. She said that the dimension will be 26 feet at the turnaround. She said that they will add pavement where currently there is dirt so that they can back out onto pavement.

The Chairman discussed granting the relief that was requested and leaving it up to Ms. Engler to decide whether or not to shorten the length. He said that the topography of the lot is sufficient grounds for the Board to grant a variance.

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 9R Locust Road, in a 20,000 square foot Single Residence District.

The Petitioner is requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for construction of a side-facing two-car garage with less than required side yard setbacks, in a 20,000 square foot Single Residence District.

A Plot Plan dated 10/29/19, stamped by Stephen E. Davis, Professional Land Surveyor, Turn Radius for Side Entry Garage, dated 10/29/19, stamped by Thomas A. Ryder, Registered Professional Engineer, Floor Plans and Elevation Drawings, dated 9/5/19, prepared by Fisher Associates, and photographs were submitted.

On December 3, 2019, the Planning Board reviewed the petition and recommended that the variance be approved.

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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section 19 and pursuant to the provisions of Section 24-D of the Zoning Bylaw is granted for construction of a side-facing two-car garage with less than required side yard setbacks, 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 Variance shall expire one year after the date time stamped on this decision.

2019 DEC 19 A 8:30  
JONATHAN E. ECKERS D.I.C.E.  
WELLSLEY MA 02459

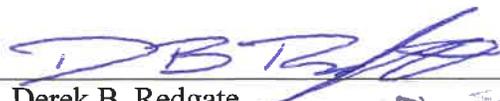
ZBA 2019-100  
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Acting Chairman

  
Walter B. Adams

  
Derek B. Redgate

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2019 DEC 19 A 8:37

ZBA            2019-100  
Applicant    Kimberly & Glenn Engler  
Address      9R Locust Road

**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

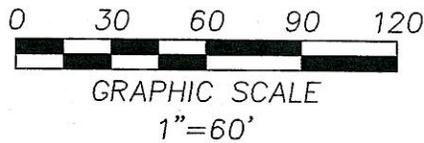
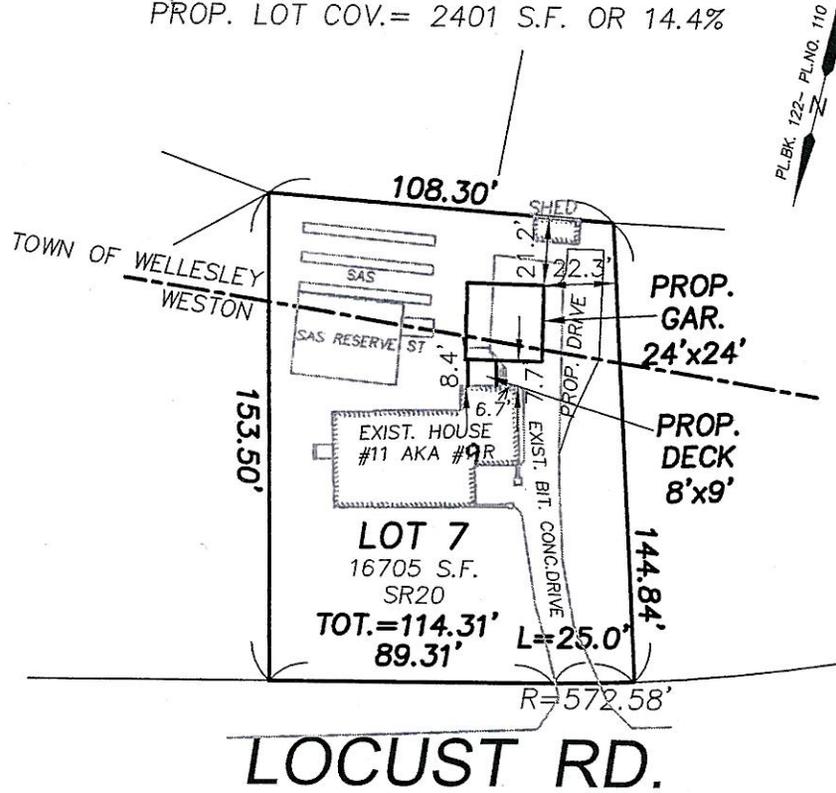
Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

5.1 Certified Plot Plan

PROP. LOT COV.= 2401 S.F. OR 14.4%



**NOTE:** By sealing/stamping this plot plan, the Registered Land Surveyor certifies that the proposed construction is in accordance with the Town of Wellesley Zoning By-Laws.

Land Surveyor Signature: STEPHEN E. DAVIS Date: 10/24/2019

Address CHENEY ENGINEERING CO., INC - 53 Mellen St., Needham, MA 02494 Telephone: 781-444-2188



**RESIDENTIAL BUILDING PERMIT**

Application # \_\_\_\_\_

Property Address: 9 R LOCUST ROAD

Date Permit Granted: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

FOR ALL BUILDINGS ON THE PROPERTY

5.2 Lot Area / Coverage  
 Lot Area (SF) 16705 SF  
 Proposed Lot Coverage (SF) 2401 SF  
 Proposed Lot Coverage (%) 14.4%

FOR THE BUILDING TO BE CONSTRUCTED OR ALTERED UNDER THIS PERMIT

5.3 Building Height & Area  
 Footprint New Construction (SF) 576 SF  
 Proposed Total Footprint (SF) 2401 SF  
 Height of Building (FT) \_\_\_\_\_

5.4 Living Area Gross (SF)  
 Finished \_\_\_\_\_  
 Unfinished \_\_\_\_\_

5.5 Rooms  
 Total # Rooms \_\_\_\_\_  
 # Bedrooms \_\_\_\_\_  
 # Full Bathrooms \_\_\_\_\_  
 # Half Bathrooms \_\_\_\_\_

**Fees Collected:**  
 Permit \_\_\_\_\_  
 Microfilming \_\_\_\_\_  
 Advertising \_\_\_\_\_  
 Cert. of Occ. \_\_\_\_\_

TOTAL \$ \_\_\_\_\_



TURN RADIUS FOR SIDE ENTRY GARAGE	
9R LOCUST ROAD, MAP 71 PARCEL 22 WELLESLEY, MA	Check TAR
Prepared for: KIMBERLEY & GLENN ENGLER 11 LOCUST ROAD; MAP 64 LOT 14 WESTON, MA	Job. No. 18-007



**Raggs, Inc.**

Post Office Box 1027  
Concord, MA 01742  
(978) 369-1100

Sheet  
1 of 1  
Dwg. No.  
SDSMA200

Thomas A. Ryder  
10/29/19