



ZONING BOARD OF APPEALS

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TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEGEL

2021 SEP 20 P 2:28

ZBA 2021-73

Petition of Jesse & Julie Boehm
15 Wellesley Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 2, 2021 at 7:30 pm, on the petition of Jesse & Julie Boehm requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that replacement of the existing roof pitch with a 13/12 pitch and dormers, and construction of an exterior stair to access the new attic storage space, on an existing nonconforming garage with less than required side yard setbacks, on an 8,503 square foot corner lot in a General Residence District in which the minimum lot size is 10,000 square feet, at 15 Wellesley Avenue, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 27, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

WITHDRAWN WITHOUT PREJUDICE

Present in behalf of the petition was Jesse Boehm, the Petitioner, who said that he lives at 15 Wellesley Avenue with his wife and two sons. He said that the project is related to a garage roof renovation. He said that they have an existing nonconforming structure due to side and rear yard setbacks. He said that the roof needs replacement. He said that they are a four person family with a one car garage. He said that opening car doors inside the garage runs up against bikes and other sports equipment. He said that they have three square feet on either side. He said that the proposal is to replace the roof and add some additional storage by raising the height with a gable roof with some dormers to match the carriage style of house, accessed by an exterior staircase to maximize their ability to carry things up and down. He said that the project will not change the existing nonconformity in any way. He said that they spoke with neighbors on both sides and they were supportive of the project.

Mr. Adams said that the design is too busy in terms of the various projections from the second floor roof and the roof overhang. He said that he did not object to the space that they are trying to create on the second floor in terms of its volume but the proposed design would be much more noticeable and will not blend in with the garage that is there. He said that the proposal is for two shed dormers, one on either side, and two dog house projections beyond the shed dormer, which seems to be way too busy. He asked about the purpose of the overhang. Mr. Boehm said that the overhang is existing. He said that several years ago they added Nantucket dormers on a third floor renovation to the house. He said that they received such positive feedback on that design style that they wanted to mirror the look of the house with the garage structure.

Mr. Levy asked if there will be open space on the second floor of the garage. Mr. Boehm said that it will be storage space for boxes, skis and various things that they have on the first floor. Mr. Levy asked if the windows are for architectural detail. Mr. Boehm said that the windows were for the design aesthetics, thinking that it would be reasonable to retain the character that they are captured on the third floor of the house.

Mr. Levy said that there is a lot going on, especially for a storage area.

Mr. Becker read the Planning Board recommendation.

Mr. Boehm said that the intent is not to use the second floor for living space. He said that he spoke with Michael Grant, Building Inspector, about three possible stair locations. He said that an actual interior stair would be difficult because of space and a pull down would limit the ability to bring things upstairs. He said that exterior stairs can be built by right. He said that they were also trying to balance the aesthetics.

Mr. Levy said that it looks like the space will be for more than storage.

Mr. Adams said that the Board has permitted use of second floor garage living space but without a bathroom.

Mr. Becker said that the overhangs at seven feet higher give the garage a different character. Mr. Boehm said that the roof is 4.5 feet higher and 13' 12 inches is the total height on the inside. Mr. Becker said that it changes the character of the structure. He said that although the Board has seen more proposals for exterior stairs recently, there are currently not many in Wellesley.

Mr. Becker said that the Wellesley Avenue is a busy street with a lot of traffic. He said that the garage will be visible from Wellesley Avenue, Dexter Circle and the homes on Brook Street. Mr. Boehm said that was why they worked so hard on the design aesthetic.

Mr. Becker said that it looks like a second structure on a lot, not a garage.

Mr. Boehm said that the design was to make it look more fancy than for what its use will be. He said that the stairs will be nestled behind, visible to the abutting neighbor but not visible to Wellesley Avenue. He said that they were trying to capture a positive design aesthetic because of the prominence of the property.

Mr. Levy said that this is not a one or two family dwelling.

Mr. Becker discussed the requirement for unanimous decisions of the Board. He discussed Section 17 of the Zoning Bylaw and MGL, Chapter 40A, Section 6, regarding changes in nonconformities to existing single and two family homes and protections to the homeowners. He said that those same protections do not extend to accessory structures. He said that it is not clear that the Board has a mechanism to grant the relief that the Petitioner is asking for.

Mr. Boehm said that he has been working with neighbors on projects to preserve the neighborhood.

Mr. Becker said that there are no new nonconformities proposed. He said that this is a corner lot with two front yard and two side yard setbacks.

Mr. Boehm said that their options were to simply replace the roof, which would not achieve the outcome of storage space, replace the roof with a simplistic structure such as a shed dormer, which would provide some storage but would be out of character with the house, or design the structure with something that was more aesthetically pleasing.

Mr. Adams questioned the need for the exterior stairs. He said that he had no objection to living space on the second floor. He said that the design brings more attention to the garage than its function warrants. He said that the house is a much bigger structure and can handle the roof treatment. He said that the proposed structure is way too busy for what it is. He said that the Board's decision will be based on its determination of whether the change will be more detrimental to the neighborhood.

Mr. Becker discussed the options to move forward.

Mr. Levy discussed MGL Chapter 40 A, Section 6. He said that the height of the nonconforming structure will be increased. Mr. Becker said that the assumption is that the stairs do not count for setbacks. Mr. Adams said that it is a corner lot and the stairs would be located in a side yard.

Mr. Levy said that it looks like a residential structure. He said that it can be designed for the same utility without the mass and architectural detail. He said that there are a lot of windows for storage space. Mr. Adams said that they will want to have some windows for natural light.

Mr. Becker said that an external stair does not fit in with most neighborhoods in Wellesley. Mr. Adams said these stairs will be hidden behind the house and the garage. He said that the Board is seeing more of them. He said that the Petitioner is looking for more space and would lose space if the stairs have to be inside.

Mr. Boehm said that his property abuts the church, so the situation is a little bit different. He said that the property is located in a General Residence District. Mr. Becker said that the property in the back abuts people who live on Brook Street.

Mr. Becker asked if Mr. Boehm is amenable to making some changes to the design that would accommodate some of the Board's and the Planning Board's comments. Mr. Adams said that the design is too busy, regardless of the use. Mr. Boehm confirmed that the Board would like to see a simpler structure. Mr. Becker said that it should be a garage that looks like a garage. Mr. Levy said that, from the street, the proposed garage looks like a house. He said that the upstairs space could be used as a rec room but not an in-law apartment. Mr. Becker said that it cannot be a dwelling unit. Mr. Boehm said that he would like to preserve the ability for storage space and a place for his kids to throw a ball around. Mr. Levy said that the bylaw prohibits more than one dwelling on a lot. He said that the proposed structure should look more like a garage with second floor storage area. He said that the Board will insert a condition that there is no water allowed in the second floor space.

The Board discussed moving forward with the petition. Mr. Levy said that if the project is withdrawn without prejudice, the application fee for a new application would be waived. He said that the Petitioner will have to pay the publication fee.

Mr. Boehm asked if the Board's concerns were about the bulkiness of the design aesthetic. Mr. Adams said that the Board objects to the busyness of too many corners and overhangs. Mr. Boehm asked if the Board objects to any dormer structures. Mr. Levy said that it should look like a garage with a second floor.

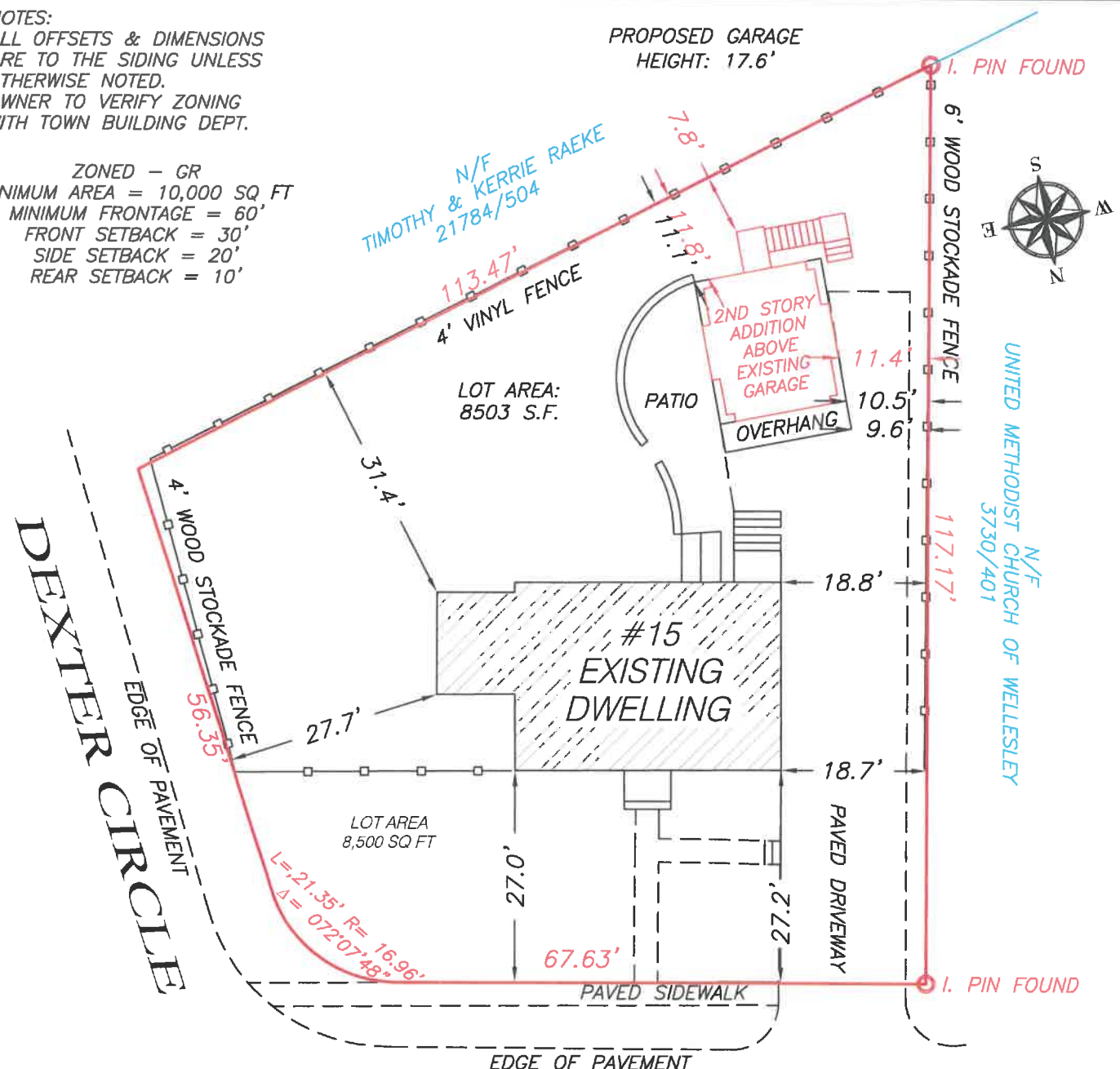
Mr. Adams said that shed dormers simplify the design. He said that it is a wide enough expanse so that they could not do the same thing with a single dog house dormer.

Mr. Levy moved, Mr. Adams seconded the motion, and the Board voted unanimously to allow the petition to be withdrawn without prejudice.

NOTES:
 ALL OFFSETS & DIMENSIONS
 ARE TO THE SIDING UNLESS
 OTHERWISE NOTED.
 OWNER TO VERIFY ZONING
 WITH TOWN BUILDING DEPT.

ZONED - GR
 MINIMUM AREA = 10,000 SQ FT
 MINIMUM FRONTAGE = 60'
 FRONT SETBACK = 30'
 SIDE SETBACK = 20'
 REAR SETBACK = 10'

PROPOSED GARAGE
 HEIGHT: 17.6'





DEXTER CIRCLE
 EDGE OF PAVEMENT

WELLESLEY AVE.

EXISTING LOT COVERAGE
 1,271.3 SQ FT
 14.95%

PROPOSED LOT COVERAGE
 1,271.3 SQ FT
 14.95%


 Dennis O'Brien P.L.S.

 <p>D. O'BRIEN LAND SURVEYING EST. 1908 480 WEST CENTRAL STREET FRANKLIN, MA 02038 508-541-0048</p>	PLAN SHOWING PROPOSED ADDITION 15 WELLESLEY AVE. WELLESLEY, MA NORFOLK COUNTY			
	SCALE: 1" = 20'	DATE: 7/12/2021	REVISED:	DRAWN BY: M.F.W.