

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-10
Petition of Christian Reimer
82 Wellesley Avenue

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2022 FEB 17 PM 1:40

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 3, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Christian Reimer requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that extension of an existing nonconforming deck with less than required left side yard setbacks, at 82 Wellesley Avenue, on a 7,257 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 22, 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.

Present at the public hearing were Christian and Nadia Reimer, the Petitioner.

Mr. Reimer said that the plan is to extend a deck behind the house. He said that the lot is undersized for zoning purposes. He said that there are two houses with a shared driveway between them, with parking behind the house. He said that access from the kitchen opens onto a small staircase that goes down to the parking lot. He said that it is inconvenient to access to the back yard. He said that the proposal is to extend the deck and stairs behind the house so that there is a connection to the yard. He said that will allow for a fence able yard and safer access. He said that the proposed deck will be approximately 9 feet deep, which will provide some living space. He said that they discussed their plans with the neighbors. He said that the existing deck is too close to the property line, as is the entire house. He said that the proposed deck will be behind the house and will not be more nonconforming.

The Chairman said that the lot is just over 7,000 square feet in an SR 10 district and the setbacks do not meet the current zoning requirements. He said that the petition requires a special permit and a finding that the proposed structure will not be substantially more detrimental to the neighborhood than the existing conditions.

Mr. Reimer said that the plan is to make the deck look like it is seamlessly connected to the house, using similar materials and paint. He said that it will be the same height and underneath it will be used for storage, with no foundation.

A Board member asked if an easement existed before the Reimers purchased the property. He asked if it is an irrevocable right of way. Mr. Reimer said that, as far as they know, that is the case. He said that the driveway is fully on the neighbor's property and the parking lot is on the Reimer's property.

A Board member said that it does not seem to be unreasonable to build the deck at the current distance from the property line. He said that the plot plan does not show the dimension of the right of way. He said that it did not appear that even with the deck at 2.1 feet from the property line, that there will be any inconvenience to the neighbor.

The Chairman said that the deck is currently 2.1 feet from the side lot line and the proposed structure will be at the same setback. A Board member said that the lot line is not parallel to the house and the setback will be less nonconforming.

Mr. Levy asked if any member of the public wished to speak to the petition.

Kevin Coakley, 80 Wellesley Avenue, said that he and his wife are neighbors to the Reimers on the shared driveway side of the house. He said that they do not object to the project. He said that it does not change the access, does not impede, and improves the Reimer's quality of life.

Statement of Facts

The subject property is located at 82 Wellesley Avenue, on a 7,257 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with minimum frontage of 52 feet where 60 feet is required, a minimum front yard setback of 19.1 feet where 30 feet is required, a minimum left side yard setback of 2.1 feet and a minimum right yard setback of 2.6 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that extension of an existing nonconforming deck with less than required left side yard setbacks, on a 7,257 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 9/23/21, stamped by Stephen E. Davis, Professional Land Surveyor, Floor Plans, dated 12/1/21 and Elevation Drawing, dated 12/8/21, prepared by Transblue Sudbury, and photographs were submitted.

On February 2, 2022, the Planning Board reviewed the petition and recommended that the special permit be approved.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that extension of an existing nonconforming deck with less than required left side yard setbacks, on a 7,257 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, will result in the intensification of an existing nonconformity, will not result in additional nonconformities, and will 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 extension of an existing nonconforming deck with less than required left side yard setbacks, in accordance with the submitted plot plan and construction drawings.

The Board notes that the setback will change because the lot line is not straight.


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.

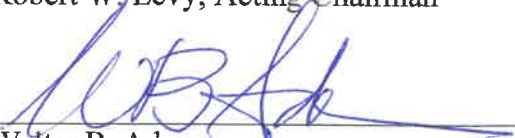
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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.


Robert W. Levy, Acting Chairman


Walter B. Adams


Derek B. Redgate

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Applicant Christian Reimer
Address 82 Wellesley Avenue

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.

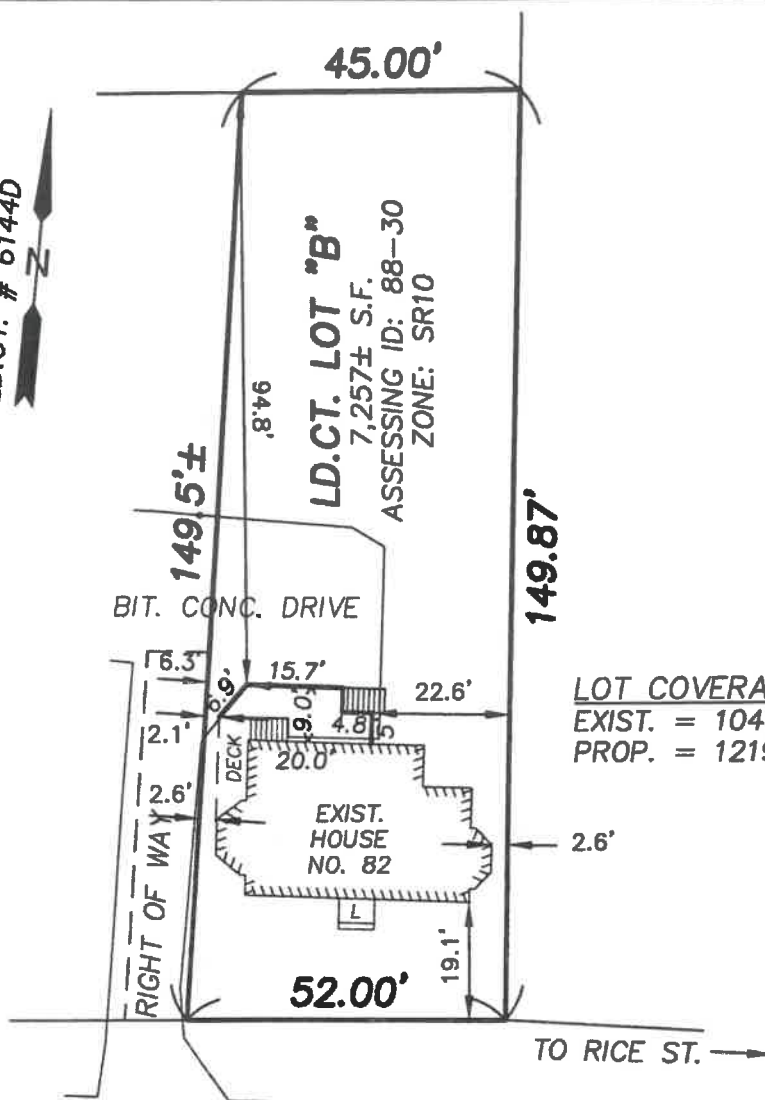
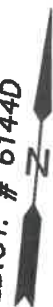
Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

LD.CT. # 6144D

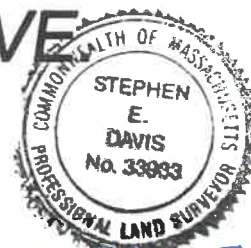


LOT COVERAGE

EXIST. = 1043± S.F. OR 14.4%
PROP. = 1219± S.F. OR 16.8%

WELLESLEY

AVE



STEPHEN E. DAVIS



GRAPHIC SCALE
1"=30'

I CERTIFY THAT THIS PLAN IS BASED ON
AN ACTUAL FIELD SURVEY AND THE
LATEST PLANS AND DEEDS OF RECORD.

DATE: 9/23/2021

PROJECT # 6216

PROPOSED DECK EXTENSION PLAN

#82 WELLESLEY AVE.
WELLESLEY, MA
NORFOLK COUNTY
AS PREPARED FOR
CHRISTIAN REIMER

CHENEY
ENGINEERING CO., INC.
53 Mellen Street
NEEDHAM, MA 02494
TEL. 781-444-2188
admin@cheney-eng.com