

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
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CLERK'S OFFICE
WELLESLEY MA 02482
2022 FEB 17 PM12:58

ZBA 2022-20

Petition of Christopher & Kimberly Ebeling
38 Seaward Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 3, 2022 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Christopher & Kimberly Ebeling requesting Modification of a Variance and/or a Special Permit/Finding pursuant to the provisions of Section 17, Section 19, Section 24 and Section 25 of the Zoning Bylaw that demolition of an existing deck and construction of a one story addition that will meet setback requirements, and construction of a one story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, at 38 Seaward Road, on an 11,239 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 27, 2022, 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 Christopher Ebeling, the Petitioner, who said that the request is for relief for an existing nonconforming setback. He said that he and his wife are looking to do a renovation and a small addition on the back of the house. He said that they are planning to enclose an existing deck and square off the back of the house. He said that the area that they are planning to renovate was an addition that was put on in the 1980's and does not match the rest of the house. He said that the plan is to reconstruct it in a style that is more consistent with the original architecture. He said that the house is 2,600 square feet and is one of the smaller houses in the neighborhood. He said that they spoke with their neighbors about the plans and they were supportive. He said that the one who is directly adjacent to them wrote a letter of support.

A Board member confirmed that there will not be any additional air conditioners.

The Chairman said that the proposal is for a small addition on the nonconforming side of the house. He said that the lot size is nonconforming.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located at 38 Seaward Road, on an 11,239 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 11.1 feet where 20 feet is required.

The Petitioner is requesting Modification of a Variance and/or a Special Permit/Finding pursuant to the provisions of Section 17, Section 19, Section 24 and Section 25 of the Zoning Bylaw that demolition of an existing deck and construction of a one story addition that will meet setback requirements, and construction of a one story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, on an 11,239 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/11/22, stamped by John R. Hamel, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 1/22/22, prepared by Robert H. Williamson, Architect, and photographs were submitted.

On February 25, 2022, the Planning Board reviewed the petition and recommended that a special permit be approved, subject to conditions.

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 demolition of an existing deck and construction of a one story addition that will meet setback requirements, and construction of a one story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks 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 demolition of an existing deck and construction of a one story addition that will meet setback requirements, and construction of a one story addition with less than required left side yard setbacks, in accordance with the submitted plans.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction 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.

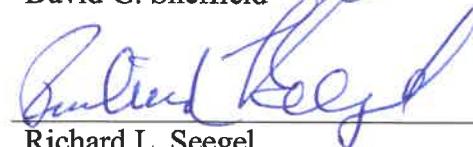
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38 Seaward Road

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.


J. Randolph Becker, Chairman


David G. Sheffield


Richard L. Seegel

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Applicant Christopher & Kimberly Ebeling
Address 38 Seaward 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

PROPOSED SITE PLAN
38 SEAWARD ROAD
WELLESLEY, MASSACHUSETTS
1 INCH = 20 FEET JANUARY 11, 2022

SNELLING & HAMEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & ENGINEERS
10 LEWIS STREET P.O. BOX 102
LINCOLN, MASSACHUSETTS 01773
(781) 259-0071

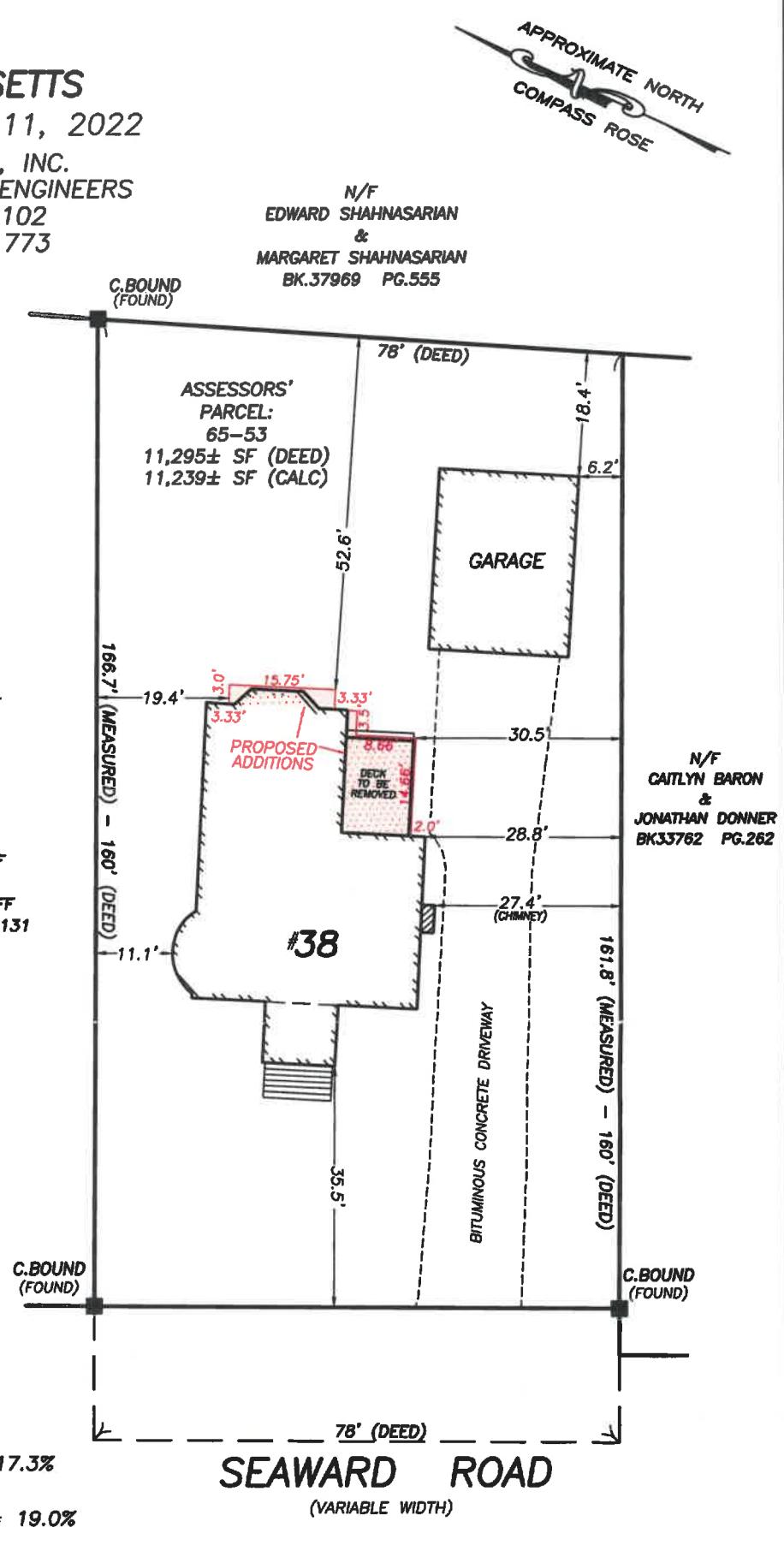
N/F
EDWARD SHAHNASARIAN
&
MARGARET SHAHNASARIAN
BK.37969 PG.555

OWNERS OF RECORD:
CHRISTOPHER C. EBELING
&
KIMBERLY E. EBELING
BK.32341 PG.464

1 INCH = 20 FEET
0 5 10 20 30 40 50 60

N/F
EVAN GUTOFF
&
SOPHIA GUTOFF
BK.36642 PG.131

N/F
CAITLYN BARON
&
JONATHAN DONNER
BK.33762 PG.262



PLAN REFERENCES:
- PLAN RECORDED IN BOOK 719, PAGE 134
- PLAN NUMBER 989 OF 1987
- PLAN NUMBER 1471 OF 1984

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF SEPTEMBER 11, 2021, WITH THE USE OF A TOPCON TOTAL STATION.

JOHN R. HAMEL
PROFESSIONAL
LAND SURVEYOR



JANUARY 11, 2022

DATE:

16756.DWG
JANUARY 11, 2022