

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2022-35

Petition of Ezra & Ricki Benjamin  
32 Dover Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 5, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Ezra & Ricki Benjamin requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition, reconstruction and expansion of an existing nonconforming garage with less than required side yard setbacks, on a corner lot at 32 Dover Road, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 7, 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 were Brian Alim, bca Architectural Design, and Ezra Benjamin, the Petitioner.

Mr. Alim said that the request is replace and expand an existing single car garage to a 24 by 21 foot two car garage. He said that the depth of the garage will be maintained at 21 feet, which is the minimum size for new cars. He said that the garage will expand into the side yard and will not encroach any further into the setbacks. He said that the rear of the garage will splay from the property line from an existing setback of 8.9 feet to a new setback of 9.2 feet. He said that the pitch of the garage roof will be increased to match the pitch of the roof of the house. He said that the existing garage is 15 to 16 feet high and the proposed garage will be 20 feet 7 1/4 inches high. Mr. Benjamin said that there will be a crawl space on top with a drop down stair. He said that there will be no plumbing.

The Chairman said that it is a conforming lot and the house is conforming. He said that the only nonconformities are the setbacks for the garage.

Mr. Benjamin said that they looked at different configurations of the garage on the property. He said that the way that the driveway is configured along the side, they do not have the turning radius to turn properly into the garage. He said that they will not create a new nonconformity but will leave the nonconformity as it exists. He said that if the Planning Board is concerned about the paving on the side of the garage, he can look at different measures such as pervious pavers. He said that the driveway is very

narrow so they need space for a vehicle to be out of the way. A Board member said that most of the driveway is existing.

Mr. Alim said that the garage backs up against a garage on an abutting property. The Chairman said that an aerial plan shows that two houses to the left and behind this property have similar garages. Mr. Benjamin said that the house behind on Midland Road has a new two car garage. Mr. Benjamin said that all three abutting neighbors are in support of the project.

There was no member of the public who wished to speak to the petition.

Statement of Facts

The subject property is located on a corner lot at 32 Dover Road, in a 10,000 square foot Single Residence District. The existing nonconforming garage has minimum side yard setbacks of 10.5 feet and 8.9 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 demolition, reconstruction and expansion of an existing nonconforming garage with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 1/21/22, stamped by Bruce Bradford, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 1/6/22, prepared by BCA Architectural Design, and photographs were submitted.

On May 4, 2022, the Planning Board reviewed the petition and recommended that the special permit be denied.

Decision

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

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It is the opinion of this Authority that demolition, reconstruction and expansion of an existing nonconforming garage with less than required 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, reconstruction and expansion of an existing nonconforming garage with less than required side yard setbacks, subject to the following condition:

- The area in the east side yard setback of the garage shall be grass or permeable pavers.

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.

ZBA 2022-35  
Petition of Ezra & Ricki Benjamin  
32 Dover 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.

  
Robert W. Levy, Acting Chairman

  
Walter B. Adams

  
Derek B. Redgate

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ZBA 2022-35  
Applicant Ezra & Ricki Benjamin  
Address 32 Dover 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:

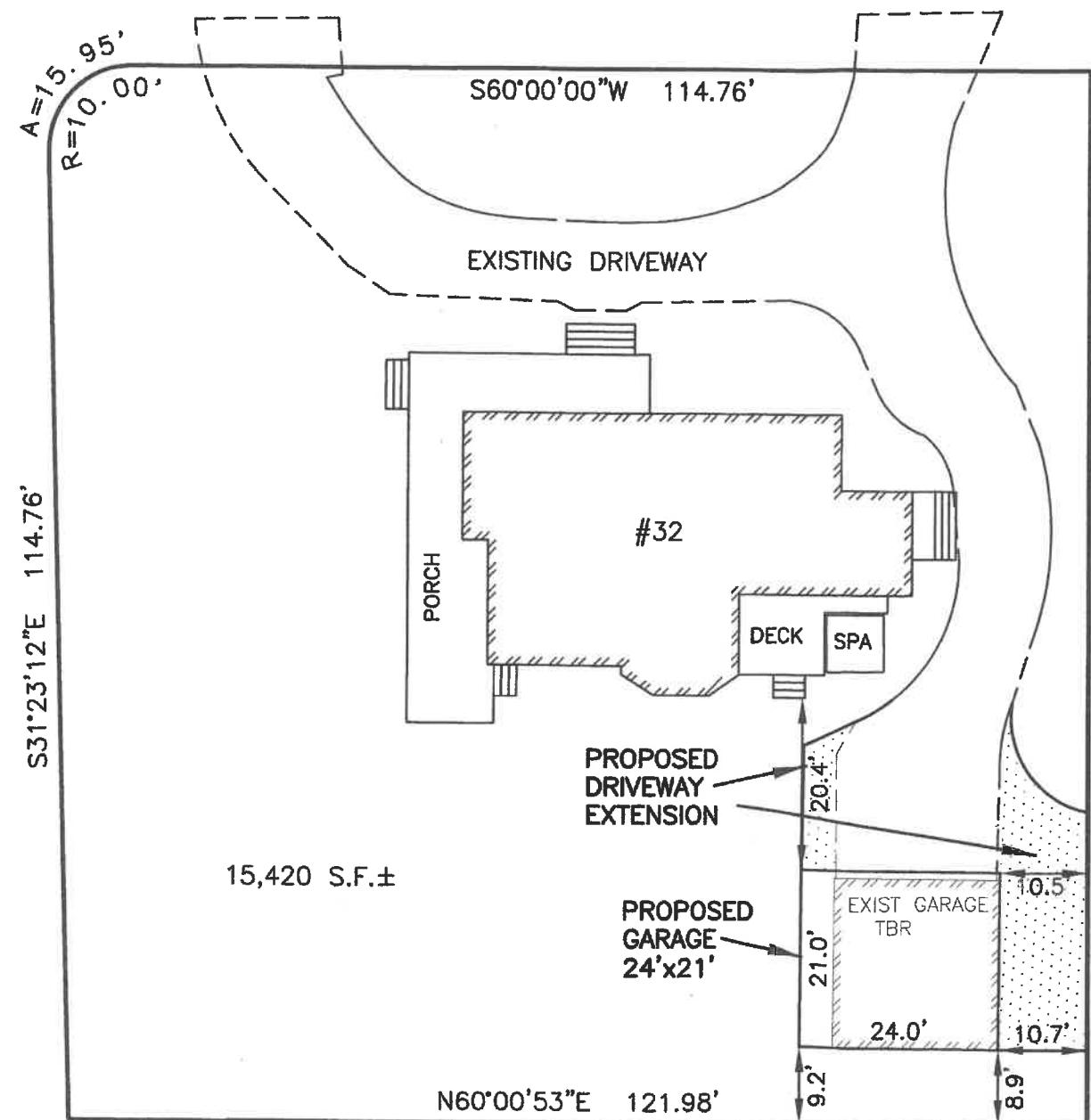
Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

# BELAIR ROAD

# DOVER ROAD



ESTABLISHED 1916

**EMB**

EVERETT M. BROOKS CO.  
SURVEYORS & ENGINEERS

49 LEXINGTON STREET  
WEST NEWTON, MA 02465

(617) 527-8750  
info@everettbrooks.com

ZONING DISTRICT: SR10

DEED REFERENCE:  
BOOK 35639 PAGE 296

EXISTING  
STRUCTURES: 2402 S.F.  
LOT COVERAGE: 15.6%

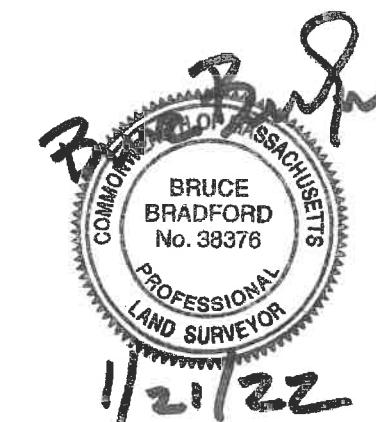
PROPOSED  
STRUCTURES: 2504 S.F.  
LOT COVERAGE: 16.2%

## PLAN OF LAND IN WELLESLEY, MA

32 DOVER ROAD  
PROPOSED ADDITIONS

SCALE: 1 IN.= 20 FT.  
DATE: JANUARY 21, 2022  
DRAWN: LNS  
CHECK: BB

REVISIONS:



PROJECT NO. 26310