

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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TOWN CLERK'S OFFICE
WELLESLEY, MA 02482
NOV 17 2022

ZBA 2022-71

Petition of Daria Tcherniakovskaia
147 Walnut Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 3, 2022, at 7:30 p.m. in the Great Hall, 525 Washington Street, Wellesley, on the petition of Daria Tcherniakovskaia requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming deck and construction of a one story mudroom with less than required front yard and rear yard setbacks, on a 1,967 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 147 Walnut Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 29, 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 Laurence Shind, Esq., representing Daria Tcherniakovskaia, the Petitioner.

Mr. Shind said that it is a unique property with just under 2,000 square feet of land area. He said that the house is nonconforming on all sides. He said that the proposal is to remove the existing deck on the right side of the house and add a new one story mudroom on the same footprint. He said that there is no close neighbor to that side because the properties are bisected by the aqueduct. He said that there is no real impact to the neighbor on the right side.

A Board member said that the pre-existing nonconforming house covers most of the usable space on the lot. He said that the people across the street are probably closer to the construction than the neighbor on the side. He said that he had no objection to the proposed construction and could make a finding that the proposed construction will not be substantially more detrimental to the neighborhood.

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 147 Walnut Street, on a 1,967 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum rear yard setback that crosses the rear property line by 0.3 feet where a 10 foot setback is required and a minimum front yard setback that crosses the property line where a 30 foot setback is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming deck and construction of a one story mudroom with less than required front yard and rear yard setbacks, on a 1,967 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Plot Plans, Sheet 1 & 2, dated 9/9/22, stamped by Paje Brown Owens, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 9/26/22, prepared by StreetBlock, TLAG Affidavit, and photographs were submitted.

On November 1, 2022, the Planning Board reviewed the petition and recommended that the ZBA approve the Special Permit.

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 nonconforming deck and construction of a one story mudroom with less than required front yard and rear yard setbacks, on a 1,967 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet will not 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 nonconforming deck and construction of a one story mudroom, 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.

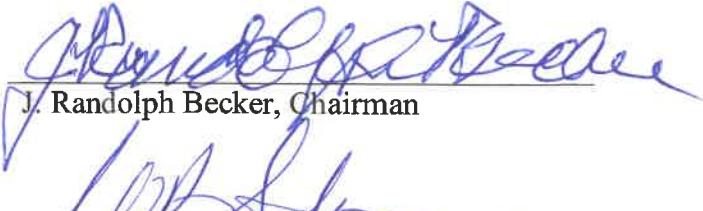
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

20221017 AM:52
THE INSPECTOR OF BUILDINGS
THE CITY OF NEW YORK

ZBA 2022-71

Petition of Daria Tcherniakovskaia
147 Walnut Street

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


Walter B. Adams


Richard L. Seegel

ZBA 2022-71
Applicant Daria Tcherniakovskaia
Address 147 Walnut Street

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.

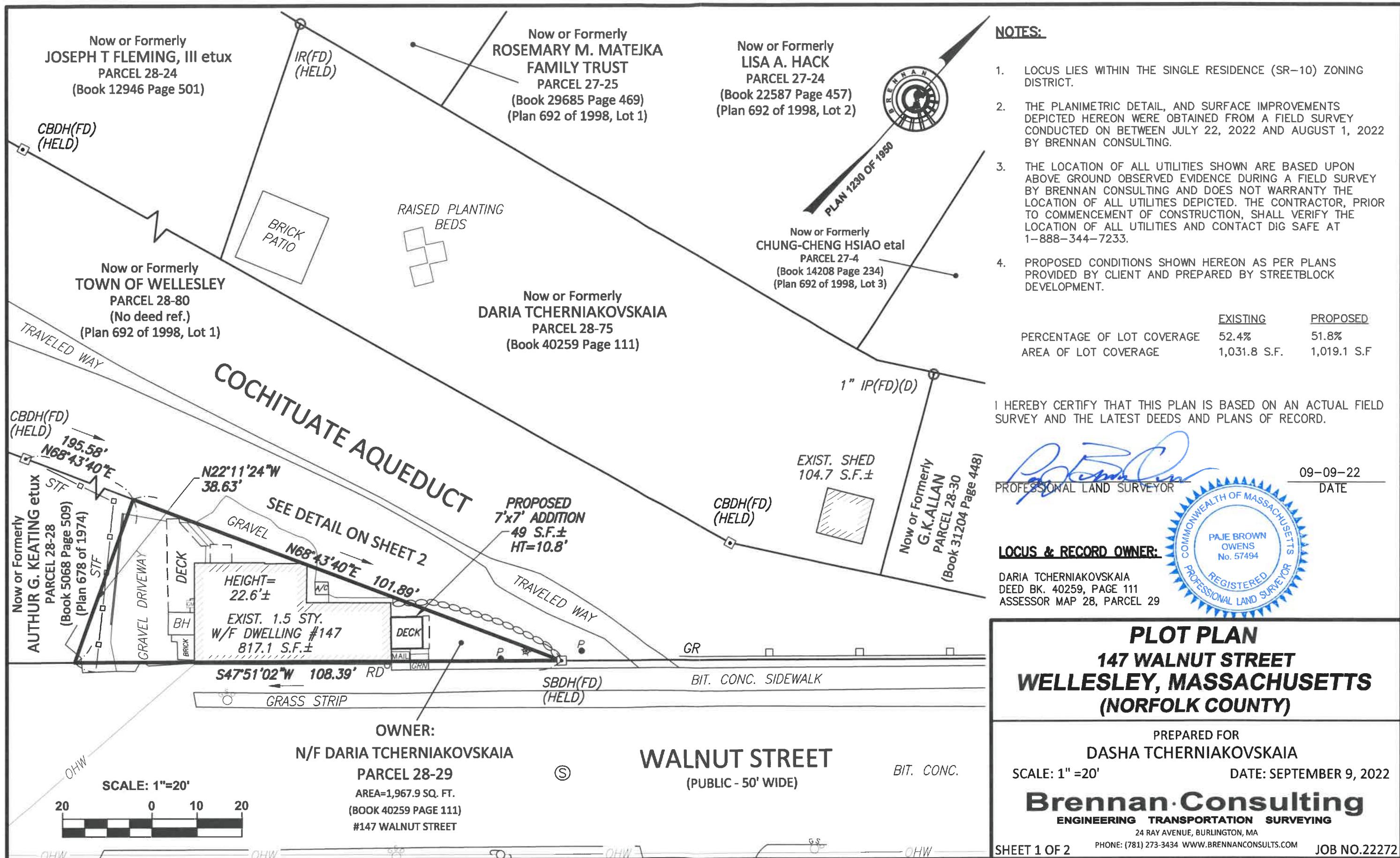
Date:

Attest:


Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

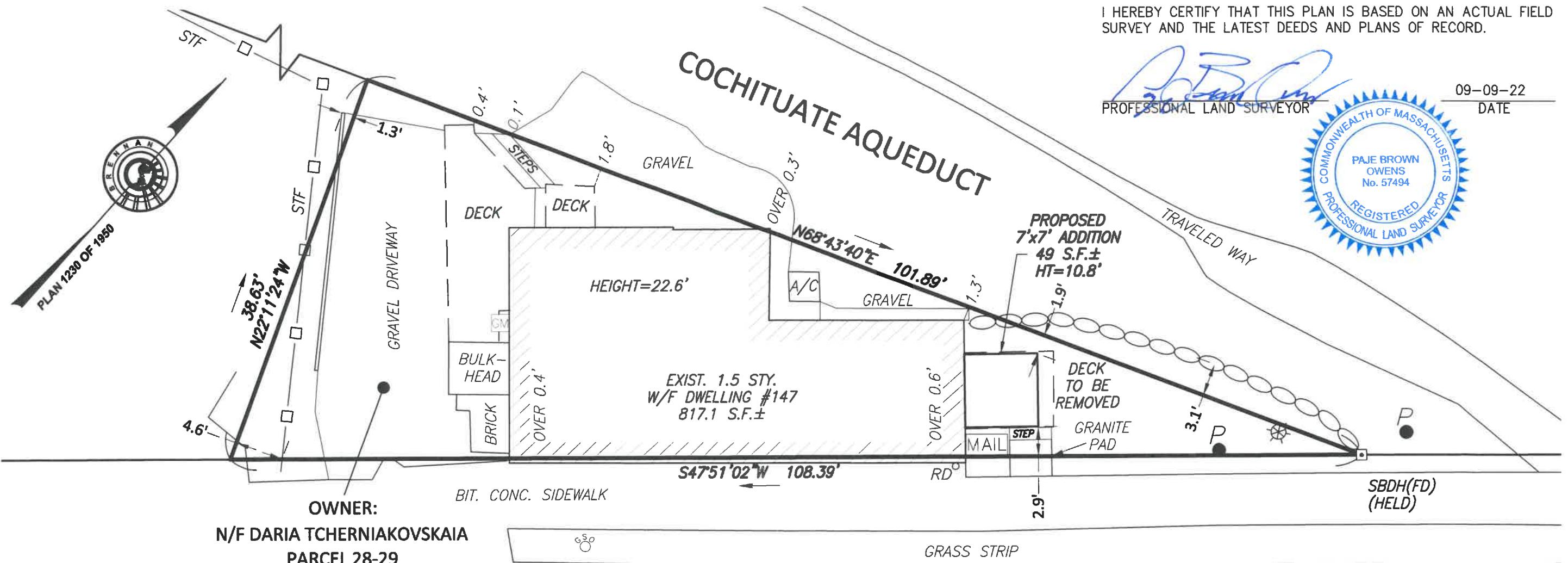
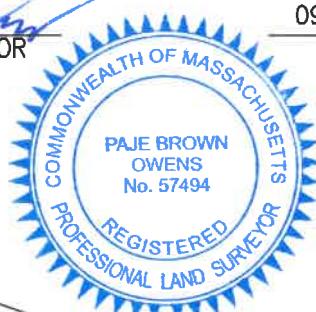
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WELLESLEY MA 02481
2022 NOV 17 AM 10:52



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


BRIAN C. JOHNSON
PROFESSIONAL LAND SURVEYOR

09-09-22
DATE



WALNUT STREET

(PUBLIC - 50' WIDE)

LEGEND

BH BULKHEAD
BIT BITUMINOUS
HT HEIGHT
CONC CONCRETE
STF STOCKADE FENCE
GAS GAS SHUT OFF/GAS GATE
GM GAS METER
S SEWER MANHOLE

(D) DISTURBED
(FD) FOUND
IP IRON PIPE
IR IRON ROD
SB STONE BOUND
CB CONCRETE BOUND
□ BOUND
○ IRON SURVEY MARKER

SCALE: 1"=10'

PLOT PLAN

**147 WALNUT STREET
WELLESLEY, MASSACHUSETTS
(NORFOLK COUNTY)**

PREPARED FOR

DASHA TCHERNIAKOVSKAIA

SCALE: 1" = 10'

DATE: SEPTEMBER 9, 2022

Brennan Consulting

ENGINEERING TRANSPORTATION SURVEYING

24 RAY AVENUE, BURLINGTON, MA
PHONE: (781) 273-3434, WWW.BRENNANCONSULTS.COM

SHEET 2 OF 2