

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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November 3, 2022

7:30 pm

Juliani Room, Town Hall

WITHDRAWN WITHOUT PREJUDICE

ZBA 2022-74, JIMMI BAZZARI, 765 WORCESTER STREET

Present at the public hearing was David Himmelberger, Esq., representing Jimmi Bazzari, the Petitioner.

Mr. Himmelberger said that this came to the Board as a request to demolish an existing detached one story garage and construct a detached two story garage that will meet all setback requirements. He said that the lot, while conforming at 25,000 + square feet in an SR 10 District, has an existing nonconforming house with a nonconforming front yard setback of 19.2 feet and a left side yard setback of 15.4 feet. He said that when it was submitted and reviewed by the Building Inspector, it was his opinion that because the lot itself is otherwise conforming, and it is only the house that is nonconforming, a conforming detached garage is an as of right construction that does not require a special permit. He said that if the Board feels otherwise, he is present at the hearing seeking a special permit.

The Board members said that they concurred with the Building Inspector's opinion.

Mr. Himmelberger said that rather than fully pull the matter from the Board's agenda, it made sense to have a conversation with the Board to get confirmation of Mr. Grant's conclusion. He said that the plan is to come back before the Board with a request for a special permit for an Accessory Dwelling Unit (ADU) on the second floor of a detached garage. He said that it will meet all of the ADU requirements and will be a fully compliant structure.

A Board member asked about connecting the garage to the house with a breezeway. Mr. Himmelberger said that he did not know how easily it could connect, given the nature of the rear portion of the house. The Chairman said that the garage would become nonconforming if it is attached to the existing nonconforming house.

Mr. Himmelberger said that they will have to re-submit de novo for a different request. He requested that the Board allow the petition to be withdrawn without prejudice.

The Board voted unanimously to allow the petition to be withdrawn without prejudice.