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Norfolk Registry of Deeds
William P. O'Donnell
Register

BN 41670 P#500 #13519
03-08-2024 @ 10:28a

Trans: 1562

Doc: LEAD

Doc: 42870 Page: 500 Date: 13519
TR: 118 Rec'd: 03-08-2024 @ 10:28:54a
MILL 19 EATON COURT

DOC	DESCRIPTION	TRANS AMT
DECISION		
	10.00 reg. fee	10.00
	50.00 surcharge	50.00
	5.00 tech. surcharge	5.00
	Postage/Handling Fee	1.00
	State Fee \$40.00	40.00
	Total fees:	106.00
*** Total charges:		106.00
CHECK PM 158		106.00

WELLESLEY

MASSACHUSETTS

ZONING BOARD OF APPEALS
100 STREET • SUITE 100 • WELLESLEY, MA 02481

LEONORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK S. REDGATE
PETER COVO

RECEIVED
JAN 11 2024
WELLESLEY MA 02481

19 Eaton Court

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, February 1, 2024, at 7:30 pm, on the petition of Emily L. Reynolds 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 reconstruction with an expanded footprint with no side yard setback, on a 9,600 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 19 Eaton Court, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 27, 2023, 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 Emily Reynolds, the Petitioner. Ms. Reynolds said that she purchased 19 Eaton Court about a year ago. She said that it is one of eight Tudor rowhouses on Eaton Court. She said that there are four on either side of the street. She said that the houses are attached single family homes, not condominiums.

Ms. Reynolds said that part of a major renovation project was to replace the rotting back deck. She said that they presented plans to the Building Department for a modest 7 foot by 10 foot deck, similar in style to the existing one. She said that the plans were approved and the deck was built. She said that the Building Department later came back and said that the Zoning Bylaws require that the back deck must be 20 feet or more from any neighbors' property lines. She said that would be impossible here because the houses are all joined and are only about 30 feet wide. She said that the back decks almost touch each other.

The Chairman said that the lot size is nonconforming and the side yard setback is zero inches, which is less than what is allowed in a Single Residence District.

MARGINAL REFERENCE

BOOK 41639 PAGE 277

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
PETER COVO

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
FEB 15 AM 1:11

ZBA 2024-04
Petition of Emily L. Reynolds
19 Eaton Court

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, February 1, 2024, at 7:30 pm, on the petition of Emily L. Reynolds 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 reconstruction with an expanded footprint with no side yard setback, on a 9,000 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 19 Eaton Court, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 27, 2023, 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 Emily Reynolds, the Petitioner. Ms. Reynolds said that she purchased 19 Eaton Court about a year ago. She said that it is one of eight Tudor rowhouses on Eaton Court. She said that there are four on either side of the street. She said that the houses are attached single family homes, not condominiums.

Ms. Reynolds said that part of a major renovation project was to replace the rotting back deck. She said that they presented plans to the Building Department for a modest 7 foot by 10 foot deck, similar in style to the existing one. She said that the plans were approved and the deck was built. She said that the Building Department later came back and said that the Zoning Bylaws require that the back deck must be 20 feet or more from any neighbors' property lines. She said that would be impossible here because the houses are all joined and are only about 30 feet wide. She said that the back decks almost touch each other.

The Chairman said that the lot size is nonconforming and the side yard setback is zero inches, which is less than what is allowed in a Single Residence District.

A Board member said that once the proposed the new portion of the stairs and deck is stained, one will hardly be able to tell the difference. He said that he had no problem with the request.

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

Statement of Facts

The subject property is located at 19 Eaton Court, on a 9,000 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 7.2 feet where 30 feet is required, and a minimum side yard setback of zero (0) where 20 feet 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 reconstruction with an expanded footprint with no side yard setback, on a 9,000 square foot corner 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.

A Plot Plan, dated 7/07/23, stamped by Arben Zhuri, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 6/30/23, prepared by Emily Reynolds, and photographs were submitted.

On January 26, 2024, the Planning Board reviewed the petition and recommended that a 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 demolition of an existing nonconforming deck and reconstruction with an expanded footprint with no side yard setback 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 nonconforming deck and reconstruction with an expanded footprint with no side yard setback, 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 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.

ZBA 2024-04
Petition of Emily L. Reynolds
19 Eaton Court

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 (Chm.)
J. Randolph Becker, Chairman

David G. Sheffield (Chm.)
David G. Sheffield

Peter Covo (Chm.)
Peter Covo

ZBA 2024-04
Applicant Emily L. Reynolds
Address 19 Eaton Court

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2024 FEB 15 AM 1:12

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.

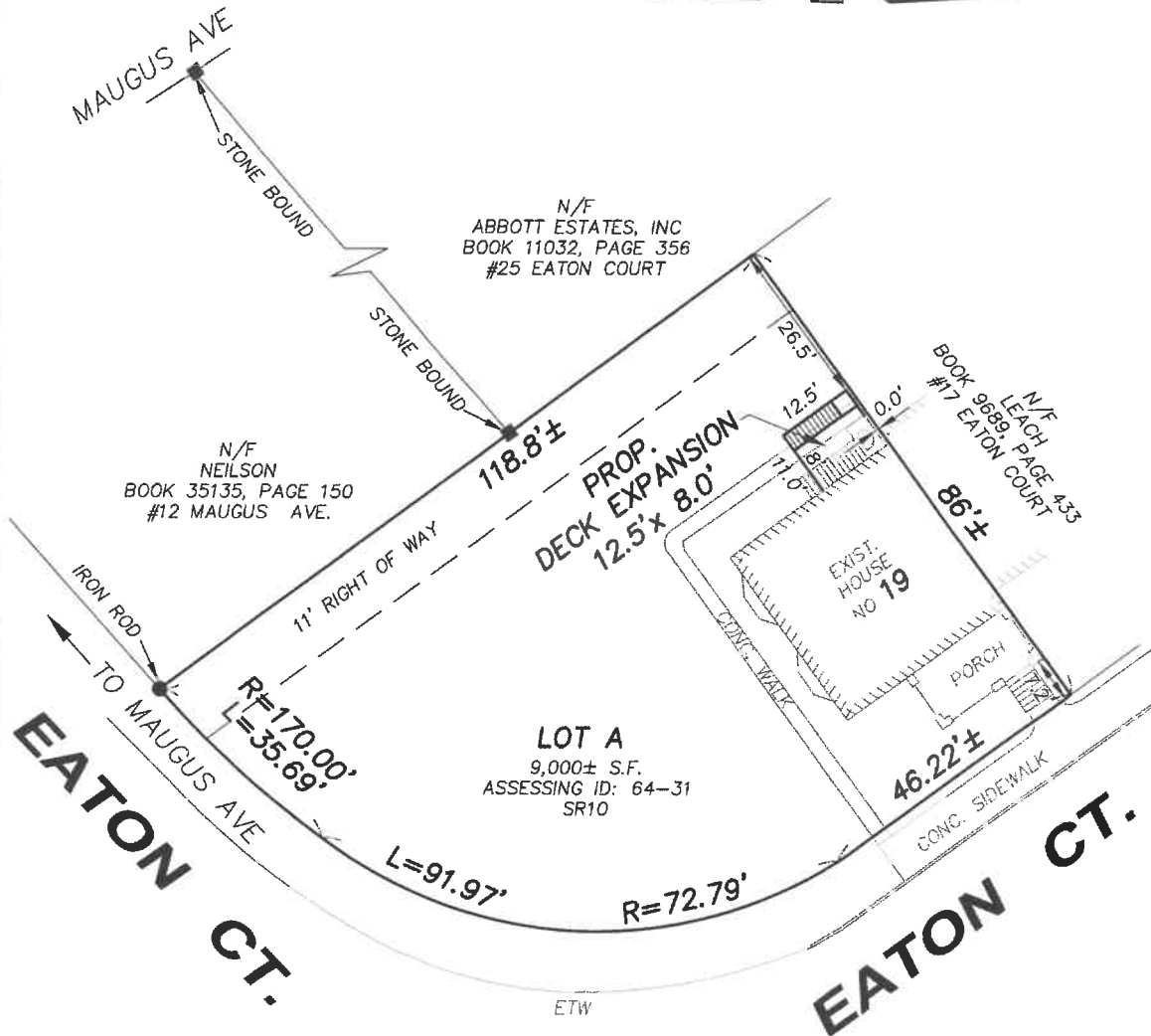
Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

PL.NO. 201 - 1945



LOT COVERAGE:

EXIST. = 1,273± S.F. OR 14.1%
PROP. = 1,360± S.F. OR 15.1%



Arden Zhai

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD.

DATE: 7/07/2023

PROJECT # 6276

PROPOSED DECK PLAN
#19 EATON COURT
WELLESLEY, MA
NORFOLK COUNTY
AS PREPARED FOR
EMILY L. REYNOLDS

CHENEY
ENGINEERING, LLC
53 Mellen Street
Needham, MA 02494
TEL. 781-444-2188
admin@cheney-eng.com