

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

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2024 JUN 20 PM 12:31
WALTER B. ADAMS
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ZBA 2024-43

Petition of David & Nezha Bower
12 Hastings Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, June 6, 2024, at 7:30 pm, on the petition of David & Nezha Bower requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that construction of an attic level addition with less than required front yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, at 12 Hastings Street, on a 10,000 square foot lot with less than required frontage in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 1, 2024, 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 Robert Williamson, Architect, and David Bower, the Petitioner.

Mr. Williamson said that the request is for a special permit for a third-floor addition within the front and side yard setbacks. He said that it is a pre-existing nonconforming structure on a nonconforming lot. He said that a previous Zoning Board of Appeals decision from 1979 permitted an addition at the rear of the house. He said that there will be three bedrooms and a bathroom in the proposed attic space. He said that the construction will be in the exact footprint of the original home and the addition at the rear. He said that it will be a significant improvement over the existing architectural condition because the original house has some odd dormers built into the hip roof. He said that the proposed construction will respect the Zoning Bylaws and will not be more detrimental to the neighborhood.

Mr. Williamson said that the two new air conditioning condensers at the rear of the house will be more than 20 feet from the side lot lines. He said that the proposed structure will be well below the TLAG threshold for the district.

Mr. Williamson said that one of the existing dormers contains a hazardous staircase that leads up to the attic space. He said that one of the main drivers of the project was to create a safe, new stair that is legal and will allow the homeowner to have more living space on the third floor.

The Chairman said that the lot size, frontage, front yard and right-side yard setbacks are nonconforming. He said that the proposal is to go straight up and not change the footprint.

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

Statement of Facts

The subject property is located at 12 Hastings Street, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, with a minimum frontage of 50 feet where 60 is required, a minimum front yard setback of 12.2 feet where 30 feet is required, and a minimum right side yard setback of 4.8 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that construction of an attic level addition with less than required front yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 10,000 square foot lot with less than required frontage in a Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 4/13/24, stamped by Todd P. Chapin, Professional Land Surveyor #37558, Floor Plans and Elevation Drawings, dated 4/13/24, and TLAG Affidavit, prepared by Robert H. Williamson, Registered Architect #951798, and photographs were submitted.

On June 4, 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 construction of an attic level addition with less than required front yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks will not result in the intensification of existing nonconformities, 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 construction of an attic level addition with less than required front yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard and right 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 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.

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ZBA 2024-43
Petition of David & Nezha Bower
12 Hastings 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 (Chm.)
J. Randolph Becker, Chairman

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

Peter Covo (Chm.)
Peter Covo

ZBA 2024-43
Applicant David & Nezha Bower
Address 12 Hastings Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

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2024 JUN 20 PM 12:31

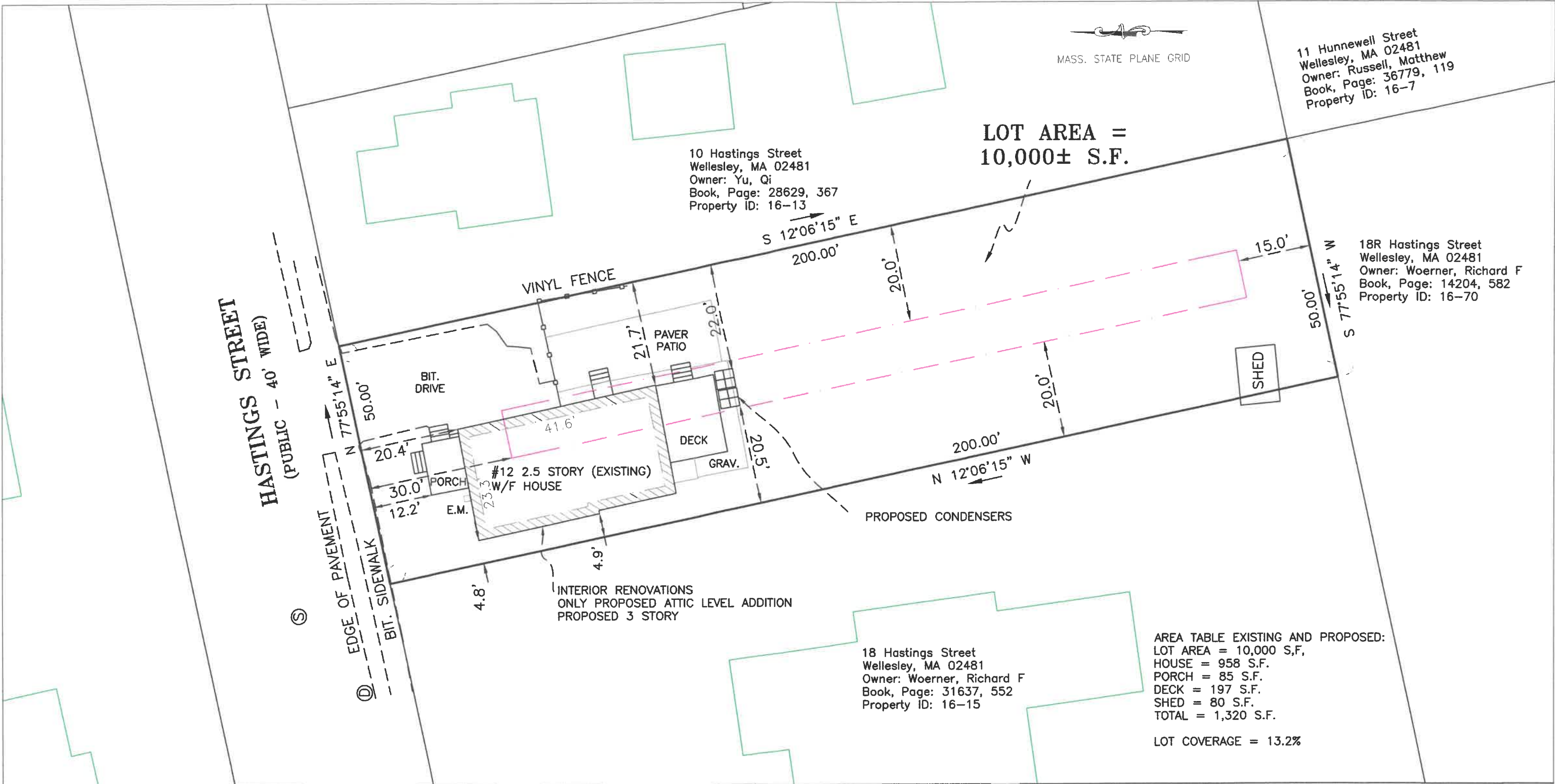
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



ACCORDING TO: FEMA MAP 25021C0036E EFFECTIVE 07/17/2012
PROPERTY LIES IN ZONE X: NOT A SPECIAL FLOOD HAZARD AREA

ASSESSORS MAP: 16-14
ZONING DISTRICT: SR15
MINIMUM SETBACK REQUIREMENTS:
FRONT YARD = 30.0'
SIDE YARD = 20.0'
REAR YARD = 15.0'
MAX. LOT COVERAGE = 20%



Todd Chapin

PLAN PREPARED FOR
PROPERTY OWNER(S):
DAVID & NEZHA BOWER
12 HASTINGS STREET
WELLESLEY, MA 02481

RealMapInfo LLC
420 LAKESIDE AVENUE SUITE 403
MARLBOROUGH, MA. 01752
REALMAPINFO.COM 774-570-0842

PROPOSED
PLOT PLAN OF LAND IN
WELLESLEY, MASS

SCALE: 1"=20' DATE: 04/13/2024

DEED REF. BOOK 36396 PAGE 3

RECORDED • NORFOLK COUNTY REGISTRY OF DEEDS