



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2014-44
 Petition of Marc Tetel
 22 Brook Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 5, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MARC TETEL requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition and reconstruction of a portion of an existing nonconforming structure with less than required left side and right side yard setbacks, on a 7,365 square foot lot in a General Residence District in which the minimum lot size is 10,000 square feet, at 22 BROOK STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 19, 2014, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Marc Tetel, (the "Petitioner"). He said that the request is to remove and rebuild an existing garage on the existing foundation.

The Board asked how and when the garage was damaged. Mr. Tetel said that he purchased the property last June. He said that a contractor pulled back the rubber roof and found extensive water damage. The Board discussed disaster rebuilds versus rebuilding with a special permit.

The Board said that the lot is undersized.

The Board confirmed that this will remain as a one-story garage with the same dimensions.

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 22 Brook Street, on a 7,365 square foot lot in a General Residence District in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 12.6 feet and a minimum right side yard setback of 6.3 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition and reconstruction of a portion of an existing nonconforming structure with less than required left side and right side yard setbacks, on a 7,365 square

foot lot in a General 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 5/7/14, stamped by Robert F. Drake, Professional Land Surveyor, Existing Floor Plans & Elevation Drawings, dated 5/3/14, prepared by J.P. Quinan Construction Co., Inc., and photographs were submitted.

On May 30, 2014, the Planning Department Staff reviewed the petition and recommended that the Special Permit be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that demolition and reconstruction of a portion of an existing nonconforming structure with less than required left side and right side yard setbacks, on a 7,365 square foot lot in a General 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition and reconstruction of a portion of an existing nonconforming structure with less than required left side and right side yard setbacks, on a 7,365 square foot lot in a General Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan and construction drawings.

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.

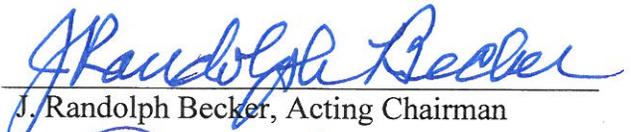
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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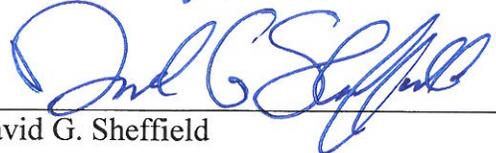
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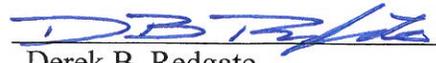
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



David G. Sheffield



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

