



ZONING BOARD OF APPEALS

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

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ZBA 2015-51
Petition of Joseph Creonte
9 Washburn Avenue

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 2015 JUN 18 P 3:00

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 4, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JOSEPH CREONTE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage and reconstruction on the same footprint with an extension with less than required right side yard setbacks, at 9 WASHBURN AVENUE, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 19, 2015, 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 Joseph Creonte, (the Petitioner), who said that the request was for a special permit to extend a nonconforming garage that has a nonconforming side yard setback. He said that he purchased the home in 1999 and lives there with his wife and three children. He said that the existing building is structurally suspect. He said that the construction is older than 100 years. He said that the roof is sagging and the foundation does not appear to be adequate to support a new structure. He said that the structure needs a new roof and the windows and siding are in need of repair. He said that the architectural detail of the proposed new building will match that of the existing house. He said that the existing building is not as functional as today's garages are. He said that the garage door is narrow and the garage is not deep enough to accommodate today's larger, longer cars.

Mr. Creonte said that he has the support of his neighbors. He said that four letters were submitted to the Board and he received one verbal support from another neighbor. The Board asked if one of the neighbors who submitted a letter is the one who will be most impacted and is located on the corner of Washburn Avenue and Walnut Street. Mr. Creonte said that neighbor gave verbal support. He said that the garage is past their property. He said that the neighbor on Walnut will be the one who will see the garage.

The Board asked what alternatives were considered for the plans to extend the roof. The Board said that putting the gable on the long direction forces the peak up. The Board said that if the peak ran along the garage instead of across it, it would be lower. Mr. Creonte said that the plan was to try to maintain the identical look of the existing garage from the street. He said that the trusses will be taller because of the extension.

The Board asked if alternative locations on the property were considered. Mr. Creonte said that they wanted to keep the garage at the top of the driveway where there is straight access. He said that to the left is a patio. He said that moving the garage to the left would reduce the size of the patio as well as force cars to go up the driveway and bear left to go into the garage.

The Board asked about services in the garage. Mr. Creonte said that the proposed garage will have the same services as the existing garage with one outlet and one light. He said that there is no heat. He said that the space under the gable will strictly be for storage. He said that the area will be similar to what exists now with plywood on the joists. The Board confirmed that there will be no stairs.

The Board asked if the proposed garage will be for one car. Mr. Creonte said that it will be a 1.5 car garage where only one car will fit in.

The Chairman read the Planning Board recommendation. He said that the theory behind their recommendation is that when you tear a garage down, you no longer have a right to the nonconformance and therefore, have to reconstruct it in accordance with the Zoning Bylaw. He said that the garage would have to be at least ten feet closer to the house. He said that there are other alternatives for locating the garage where it meets Zoning requirements. He said that the Planning Board recommendation is advisory to the Zoning Board and not binding.

The Board said that there have been cases where the Board has allowed reconstruction of a garage on its existing footprint without enlarging it. Mr. Creonte said that it is a tight squeeze with the door. He said that they have only been able to put the car in the garage once or twice over the past 15 years. The Board said that if it granted a special permit to reconstruct on the existing footprint, Mr. Creonte could put a more suitable door there.

The Chairman said that part of the difficulty for the Board is that this is not a one or two family home. He said that it is an accessory use and the same rules do not apply. He said that the Board has to go back to Massachusetts General Law. He said with a single or two family dwelling, going parallel and not increasing the nonconformity gives the homeowner the right to a special permit if they are able to demonstrate that it is not more detrimental to the neighborhood. He said that is not true for an accessory structure.

The Chairman said that for an accessory structure, the homeowner has to demonstrate that the proposed changes will not be more detrimental to the neighborhood. He said that changes such as the slope of the roof and the height impact that.

The Board said that the grade is raised on one side of the garage and the soil appears to run up against the siding. Mr. Creonte said that there is a foundation wall at the back, so the soil does not run up against the siding.

The Board said that the neighborhood is full of this type of detached garage. The Board said that it is consistent with the character of the neighborhood and would not be a detriment to the neighborhood. The Board said that it will be rebuilding something that is in need of reconstruction. The Board said that,

given the site and its location and proximity to the neighbors, extension of the garage would be considered to be not significant.

The Board said that the slope of the roof does not benefit the view of the garage but it could understand why the petitioner would choose to do it that way.

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 9 Washburn Avenue, in a 15,000 square foot Single Residence District. The existing garage has a minimum right side yard setback of 9.8 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 of an existing nonconforming garage and reconstruction on the same footprint with an extension with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 5/10/15, stamped by Peter Michael Ditto, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/8/15, prepared by Joe Creonte, Request for Special Permit, Existing and Proposed Rake Detail, and photographs were submitted.

On June 4, 2015, the Planning Board reviewed the petition and recommended that the special permit be denied.

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 although demolition of an existing nonconforming garage and reconstruction on the same footprint with an extension with less than required right side yard setbacks is increasing a nonconformity, such increase shall 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 garage and reconstruction on the same footprint with an extension with less than required right side yard setbacks, 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.

2015 JUN 8 PM 3:00
JONATHAN S. HARRIS
WILLIAM S. YRINEC
PLANNING BOARD

ZBA 2015-51
Petition of Joseph Creonte
9 Washburn Avenue

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2015 JUN 18 P 3:09

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



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

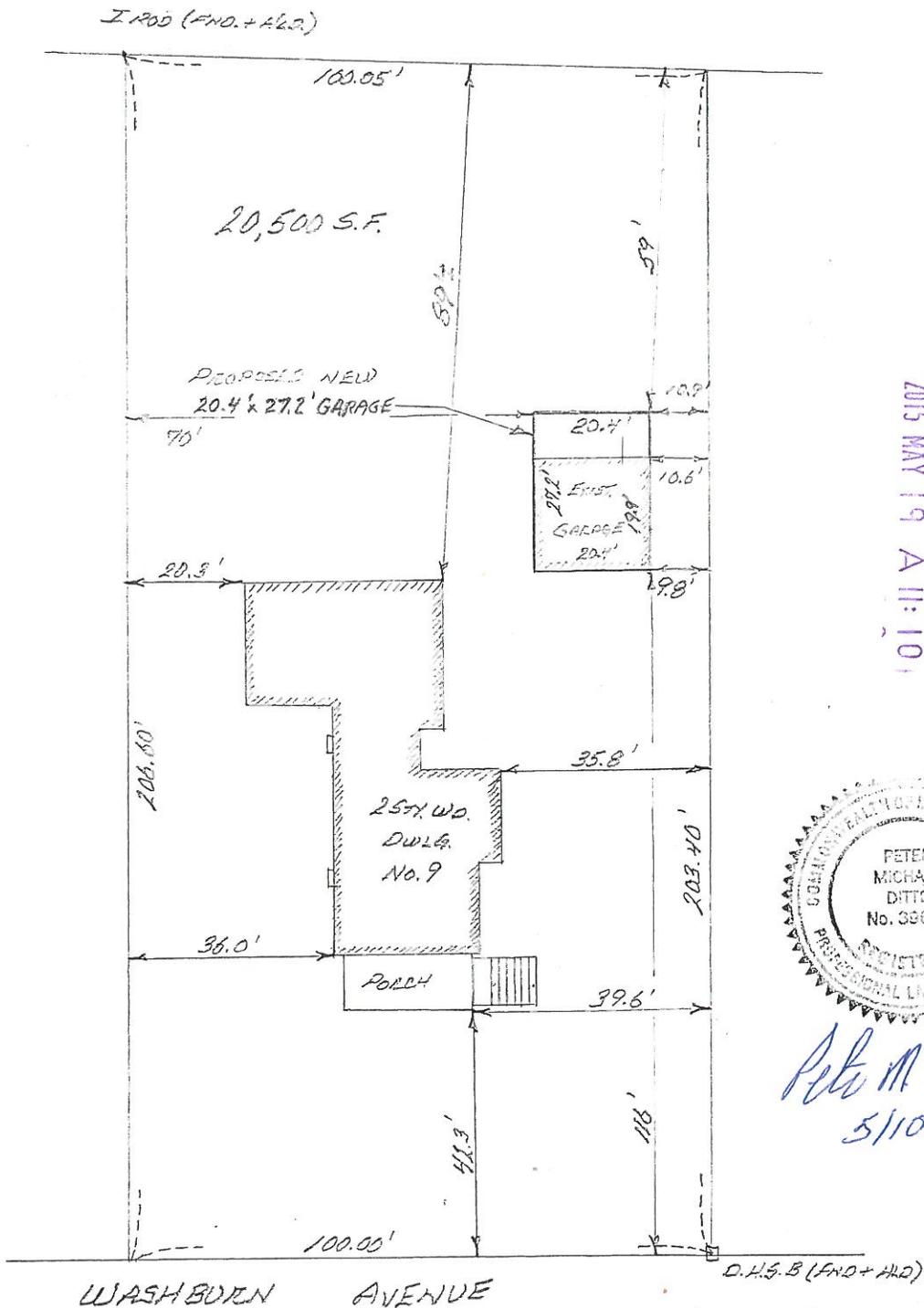
NOTES: EXISTING 20.4' x 19.9' GARAGE TO BE MAZED.

NEW 20.4' x 27.2' GARAGE TO BE BUILT HOLDING RIGHT FRONT CORNER (9.8' SIDE & 11.6' FRONT) AND LINE OF EXISTING RIGHT SIDE WALL

EXISTING LOT COVERAGE = 2876 S.F. (11.6%)

PROPOSED LOT COVERAGE = 2531 S.F. (12.3%)

ZONED RESIDENTIAL (15,000 S.F.)



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 WELLESLEY MA 02482
 2015 MAY 19 A 11:10



Peter M. Ditto
 5/10/15

PLAN SHOWING
 PROPOSED GARAGE
 9 WASHBURN AVENUE
 WELLESLEY, MA.
 SCALE: 1"=30' DATE: 5/10/15

PREPARED BY: PETER M. DITTO
 4 CORDIAL WAY
 NATICK, MA. 01740
 (508-655-1830)