



ZONING BOARD OF APPEALS

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

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 (781) 431-1019 EXT. 2208
 web: www.wellesleyma.gov

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ZBA 2016-49
 Petition of Max Reinhardt
 10 Benton Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday July 14, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Max Reinhardt requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition and balcony that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, in a 10,000 square foot Single Residence District, at 10 Benton Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 28, 2016, 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 Victoria Reinhardt, the Petitioner. She said that the request is for a special permit/finding for an addition over an existing family room for a master bedroom on the second floor. She said that the lot line is not parallel to the house. She said that the front left corner of the existing house has a 16 foot side yard setback where 20 feet are required.

The Board said that the addition will be fully compliant.

Ms. Reinhardt said that they will not be not adding to the footprint.

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 10 Benton Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 15.6 feet and a minimum right side yard setback of 29.7 to an existing side facing garage.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition and balcony that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan, dated 5/10/16, stamped by Bruce Bradford, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 5/9/16, prepared by Erica Lelievre, and photographs were submitted.

On July 11, 2016, the Planning Department Staff reviewed the petition and recommended that the special permit be approved.

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 construction of a second story addition and balcony that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, 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 construction of a second story addition and balcony that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and 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.

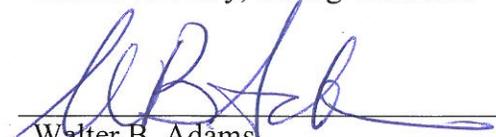
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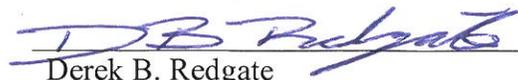
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10 Benton Street

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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.

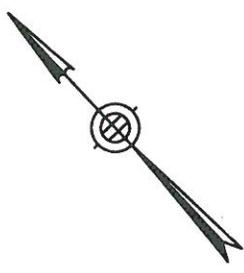

Robert W. Levy, Acting Chairman


Walter B. Adams

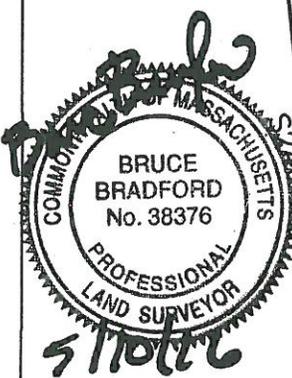

Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

BENTON STREET



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EMB
 EVERETT M. BROOKS CO.
 SURVEYORS & ENGINEERS
 49 LEXINGTON STREET
 WEST NEWTON, MA 02465
 (617) 527-8750
 info@everettbrooks.com

EXISTING
 STRUCTURES 2,150 S.F.
 LOT COVERAGE 17.2%
PROPOSED
 STRUCTURES 2,210 S.F.
 LOT COVERAGE 17.6%

PLAN OF LAND IN WELLESLEY, MA

10 BENTON STREET
 PROPOSED ADDITIONS

SCALE: 1 IN. = 30 FT.
 DATE: MAY 10, 2016
 DRAWN: MF
 CHECK: BB

PROJECT NO. 24931