

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2018-52

Petition of Jimmi Bazzari
765 Worcester Street

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WELLESLEY

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 12, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Jimmi Bazzari requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, at 765 Worcester Street, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 7, 2018, 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 were David Himmelberger, Esq. and Jimmi and Gina Bazzari, the Petitioner.

Mr. Himmelberger said that the request is for relief to add a small addition to a pre-existing nonconforming structure. He said that currently the home has a 19.2 foot front yard setback and a left side yard setback of 15.4 feet. He said that the property is located in a 15,000 square foot Single Residence District. He said that the property consists of two lots that combine to 20,458 square feet. He said that the small addition will be a 590 square foot footprint added on to a footprint of 1,321 square feet, for a new footprint of 1,911 square feet. He said that the existing structure has a TLAG of 2,697 square feet and TLAG will be 3,847 square feet with the addition, which is below the threshold of 4,300 square feet for the district. He said that the structure will remain at 27.7 feet tall, as the addition will be less than the existing peak.

Mr. Himmelberger said that the house is very difficult to observe. He said that there is a significant block retaining wall at the front of the property on Route 9. He said that the property sits up high. He said that the new addition to the right side will have a front setback of 25.6 feet, significantly improved over the existing front setback of 19.2 feet. He said that the side yard setback will be compliant at 20.5 feet. He said that it will be a modest addition but will offer the ability to create and expand a breakfast area, entry room, and a family room with a master bedroom suite above that is far more comfortable in size than some of the existing 10 foot by 10 foot bedrooms. He said that they believe that the proposal as designed is appropriate and is not significantly more detrimental to the neighborhood than the pre-existing nonconforming structure and they request favorable approval of a special permit.

Mr. Himmelberger said that the Assessor records split the two lots but they are merged for Zoning purposes and are treated as a single lot. He said that the lots are under common ownership.

Mr. Levy confirmed that both lots have been in the same chain of title. Mr. Himmelberger said that they are under common ownership now. Ms. Bazzari said that they are the second owners of the property. Mr. Himmelberger said that the rear lot is landlocked. A Board member said that it is always good to see lots in common ownership merged legally but there are extra costs associated with that, which is unnecessary, given the prevailing law about merging of properties.

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 765 Worcester Street, in a 15,000 square foot Single Residence District, with a minimum front yard setback of 19.2 feet and a minimum left side yard setback of 15.4 feet.

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 two-story addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard and left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/20/17, stamped by Clifford E. Rober, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 6/4/18 and Proposed Floor Plans and Elevation Drawings, dated 6/1/18, prepared by Bartick Design Studio, LLC, and photographs were submitted.

On June 27, 2018, 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. 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 construction of a two-story addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard and left 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 construction of a two-story addition with less than required front yard setbacks, on an existing nonconforming structure with less than required front yard and left 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 construction 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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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
J. Randolph Becker, Acting Chairman

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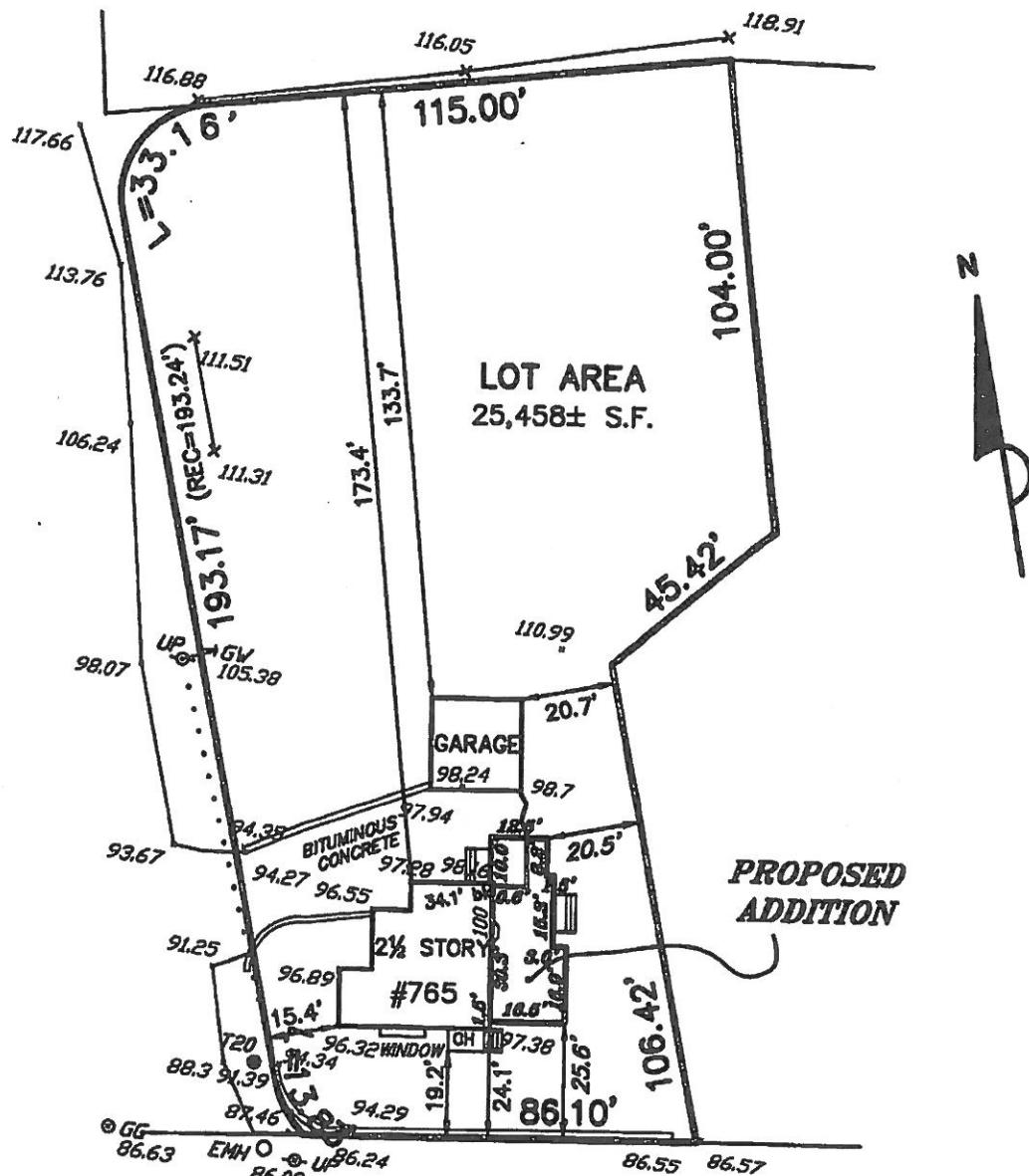
John W. Clegg

Robert W. Levy


Walter B. Adams

Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



WORCESTER STREET

ZONING DISTRICT - SRD 15

EXISTING LOT COVERAGE: 1.321± S.F. OR 5.2%

PROPOSED LOT COVERAGE = $1.911 \pm$ S.F. OR 7.5%

I HEREBY CERTIFY THAT THE BUILDING IS
LOCATED AS SHOWN.

OWNER: JIMMI & GINA BAZZARI

**PROPOSED PLOT PLAN
#765 WORCESTER STREET
IN
WELLESLEY, MA
(NORFOLK COUNTY)**

SCALE: 1" = 40' DATE: 10/20/2017

ROBER SURVEY
1072A MASSACHUSETTS AVENUE
ARLINGTON, MA 02476
(781) 648-5533
5330PP1.DWG

CLIFFORD E. ROBER, PLS

DATE

THIS PLAN MAY HAVE BEEN ALTERED IF
THE SIGNATURE IS NOT SIGNED IN BLUE.