

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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TOWN CLERK'S OFFICE  
WELLESLEY, MA 02482  
MAY 18 2017

ZBA 2017-40  
Petition of Daniel Connors III  
46 Garden Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 4, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Daniel Connors III 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 carport and construction of a new two-car garage with less than required rear yard and right side yard setbacks, at 46 Garden Road, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 3, 2017, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

The Chairman disclosed that he is an abutter within 300 feet of 46 Garden Road.

Presenting the case at the hearing was David Himmelberger, Esq., representing Daniel Connors, III, the Petitioner.

Mr. Himmelberger said that the request is for a special permit to raze an existing nonconforming garage and carport and reconstruct a two-car garage. He said that it is presently a pre-existing nonconforming structure comprised of a one-car garage and an attached one-car carport located at the right rear of the property with less than the required rear and side yard setbacks. He said that the rear setback is 7.4 feet and the side yard setback is 13.5 feet. He said that the total square footage of the proposed two-car garage will be 576 square feet, which is approximately 40 square feet more than the existing garage and carport. He said that it will have improved setbacks with the rear setback moving forward to eight feet and the side yard setback moving to 17.5 feet. He said that the garage will be about 2.3 feet taller than the existing structure. He said that the garage will have no plumbing and will only have pull down access for storage. He said that the garage will be designed to complement the existing home, which the homeowner has just finished extensively renovating. He said that it will be stucco-clad.

Mr. Himmelberger said that the Board received communications from eight neighbors, all of whom are in support of the project that will replace a deteriorated and unsightly garage and carport. He said that there are not a lot of carports in Wellesley. He said that it will be an attractive new garage that will blend in with the architecture of the home and the neighborhood. He said that the closest and immediate abutter, Fred Igoe, 53 Garden Road, was present at the public hearing. He said that the Planning Board issued a favorable recommendation. He said that the request is that the Board approve this special permit.

The Board asked where the blue barrels and the cement mixer will go. Mr. Himmelberger said that the barrels will go inside the garage and the cement mixer will go off-site. The Board said that the new garage will be an improvement to the property.

#### Statement of Facts

The subject property is located at 46 Garden Road, in a 20,000 square foot Single Residence District. The subject garage has a minimum right side yard setback of 13.5 feet and a minimum rear yard setback of 7.4 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage and carport and construction of a new two-car garage with less than required rear yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/14/17, stamped by Daniel A. O'Driscoll, Professional Land Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 2/13/17, prepared by Mahoney Architects, and photographs were submitted.

On May 2, 2017, the Planning Board 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 of an existing nonconforming garage and carport and construction of a new two-car garage with less than required rear 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 demolition of an existing nonconforming garage and carport and construction of a new two-car garage with less than required rear 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 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.

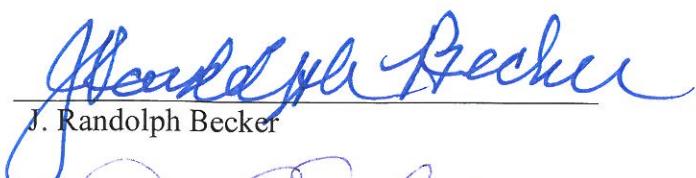
ZBA 2017-40  
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46 Garden Road

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WELLESLEY MA 02482  
1201 MAY 18 P 2:32

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.



Richard L. Seegel, Chairman



J. Randolph Becker

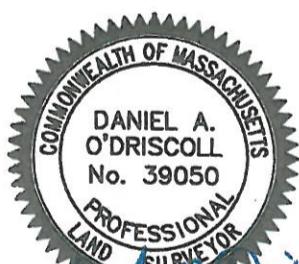
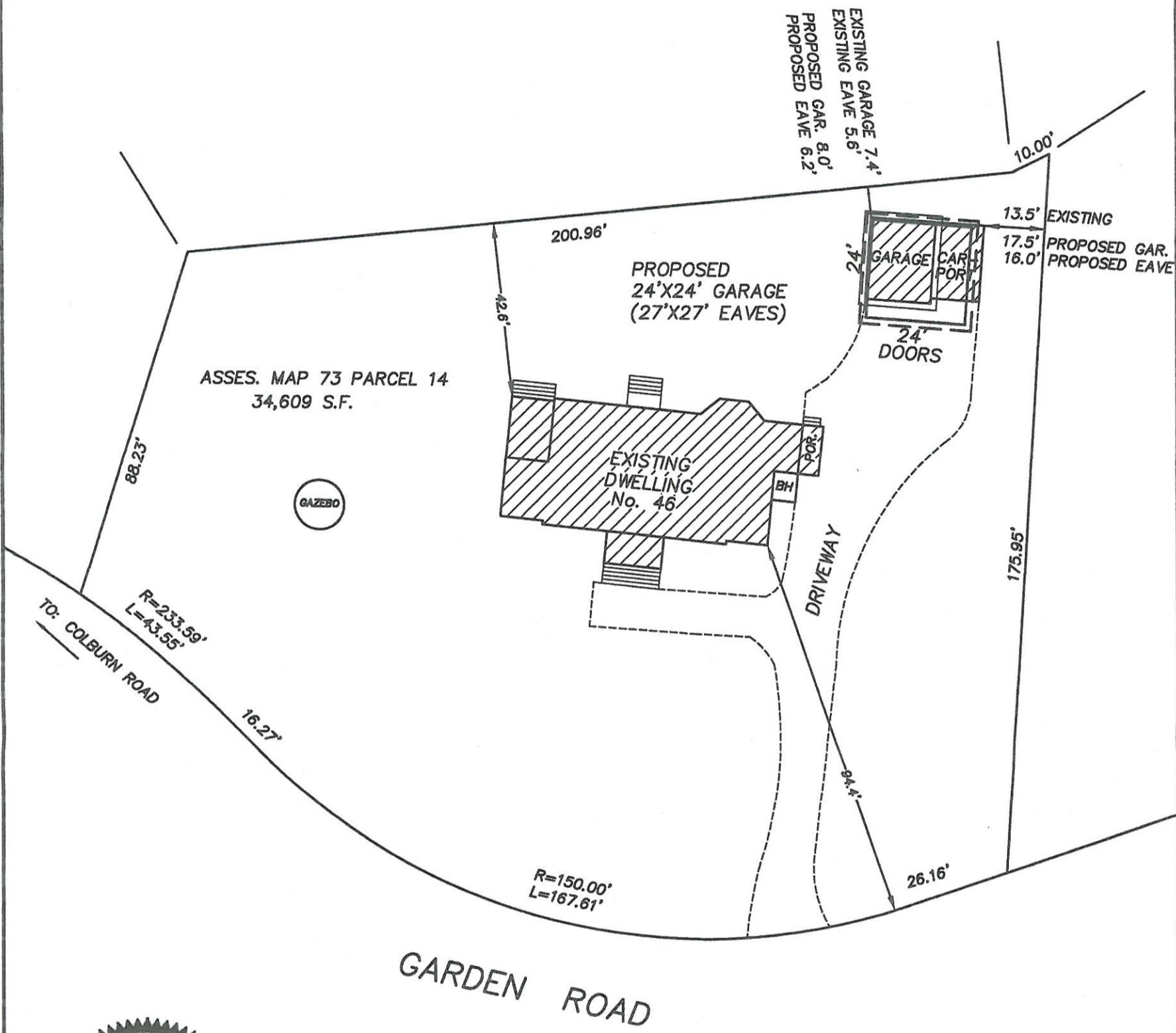


David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm



EXISTING LOT COVERAGE=2,867 S.F. / 34,609 S.F.=8.2%  
PROPOSED LOT COVERAGE=3,063 S.F. / 34,609 S.F.=8.8%



*Daniel A. O'Driscoll  
3/14/2017*

PREPARED FOR: DANIEL S. CONNORS III  
DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS  
DEED BOOK 32810 PAGE 493  
ASSESSORS REFERENCE: MAP 73 PARCEL 14  
ZONING DISTRICT: SR-20

### CERTIFIED PLOT PLAN

46 GARDEN ROAD

WELLESLEY, MASSACHUSETTS

SCALE: 1"=30'

MARCH 14, 2017

*O'DRISCOLL*  
LAND SURVEYING Co.

LAND SURVEYING GPS MAPPING LAND CONSULTING

46 COTTAGE STREET MEDWAY, MASSACHUSETTS 02053 (508) 533-3314

I CERTIFY THAT THE DWELLING IS LOCATED ON THE  
LOT AS SHOWN ON THIS PLAN.

I FURTHER CERTIFY THAT THE DWELLING DOES  
NOT LIE WITHIN A SPECIAL FLOOD HAZARD ZONE.

*Daniel A. O'Driscoll MARCH 14, 2017*  
PROFESSIONAL LAND SURVEYOR DATE

FILE No.1818