

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ROBERT W. LEVY  
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ZBA 2017-60

Petition of Aaron & Leigh Thomas  
6 Fairbanks Avenue

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 1, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Aaron & Leigh Thomas requesting a Variance and/or Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that installation of two air conditioning condensers with less than required left side yard setbacks, behind an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, at 6 Fairbanks Avenue, on a 6,005 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square, with 50 feet of frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 7, 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.

Presenting the case at the hearing were David Himmelberger, Esq., David Silverstein, Copper Leaf Development, and Aaron Thomas, the Petitioner.

Mr. Himmelberger said that the Petitioner came before the Board last spring, at which time the Board granted relief to raze and reconstruct a single family home. He said that inadvertently the air conditioning condensers were not shown on the plot plan that was submitted to the Board. He said that as a consequence of that, they needed to come back before the Board for a special permit for relief to put the condensers at the rear of the house, as shown on the plot plan, at 12.1 feet from the property line. He said that the house as constructed with zoning relief has a setback of 9.9 feet.

A Board member asked about the spiral stair on the deck. He asked if the stair precludes them from putting the air conditioning condensers in a more conforming location. He said that the property is only 50 feet wide so there is not much area to find compliance.

A Board member confirmed that the two condensers will be located under the second story porch. He said that the closest neighbors appear to be the parking lot at 54 Washington and the Flanagans.

The Chairman said that relief would be granted as a special permit, not a variance.

Thomas Atkinson, 14 Crescent Street, said that he has no issues with the air conditioning condensers.

The Board asked about screening the condensers. Mr. Thomas said that at some point they will probably put a nice wooden casing such as lattice around them.

#### Statement of Facts

The subject property is located at 6 Fairbanks Avenue, on a 6,005 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square, with minimum frontage of 50 feet, a minimum front yard setback of 18.9 feet, a minimum left side yard setback of 9.9 feet and a minimum right side yard setback of 12.3 feet.

The Petitioner is requesting a Variance and/or Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that installation of two air conditioning condensers with less than required left side yard setbacks, behind an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, at 6 Fairbanks Avenue, on a 6,005 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square, with 50 feet of frontage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 4/27/16, prepared by Bradley J. Simonelli, Professional Land Surveyor, Specifications for Goodman GSX16 Air Conditioner and a photograph were submitted.

On May 16, 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 although installation of two air conditioning condensers with less than required left side yard setbacks, behind an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,005 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square, with 50 feet of frontage 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 installation of two air conditioning condensers with less than required left side yard setbacks, behind an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, at 6 Fairbanks Avenue, on a 6,005 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square, with 50 feet of frontage, in accordance with the submitted plot plan and construction drawings.

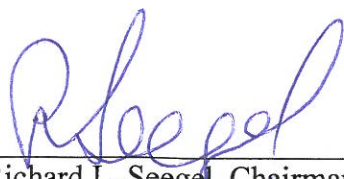
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.


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

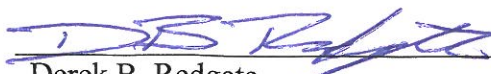
ZBA 2017-60  
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6 Fairbanks Avenue

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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.

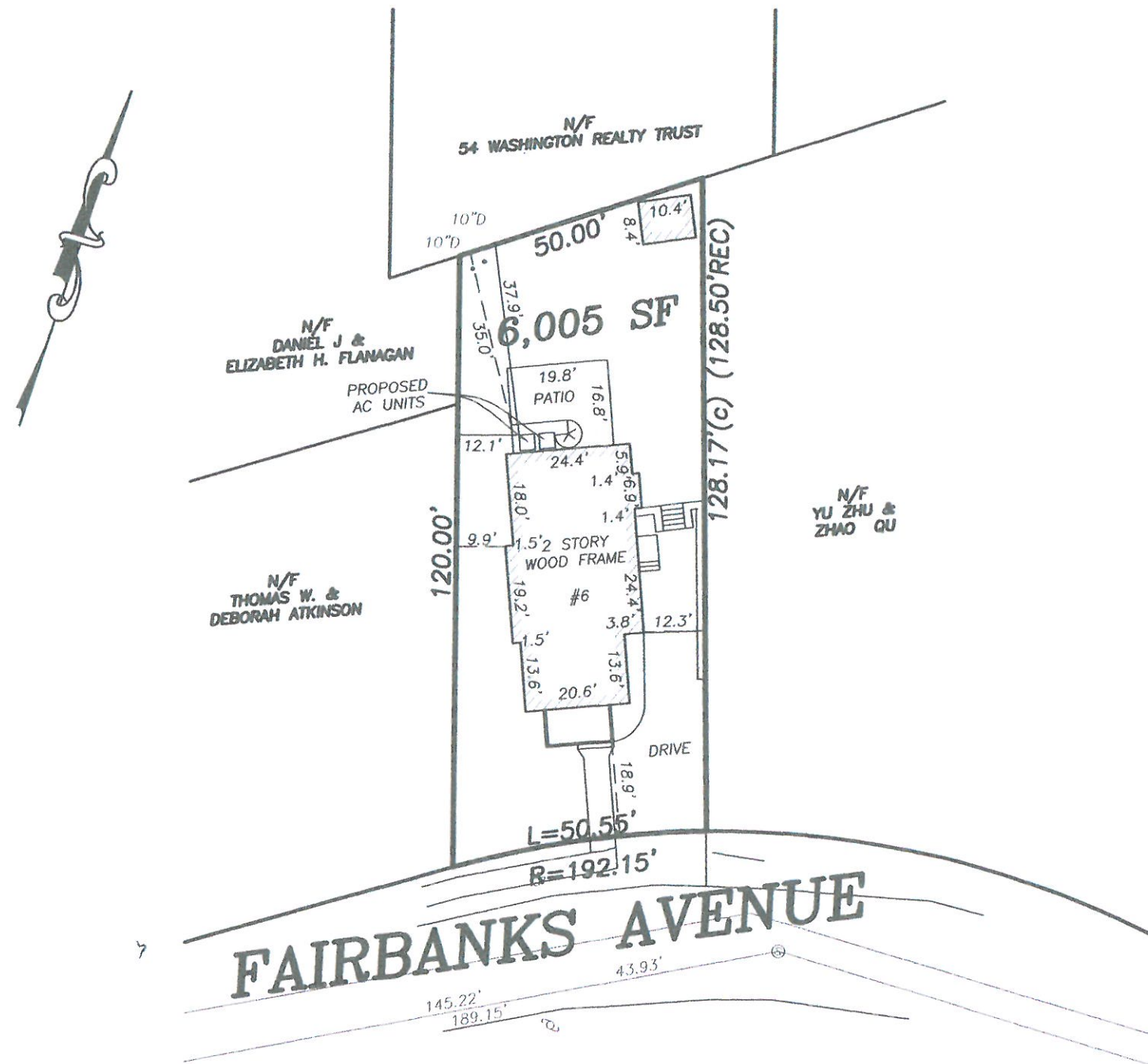
  
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Richard L. Seegel, Chairman

  
\_\_\_\_\_  
Walter B. Adams

  
\_\_\_\_\_  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm





REF: ZBA DECISION 2016-63  
RECORDED IN BOOK 34466 PAGE 335

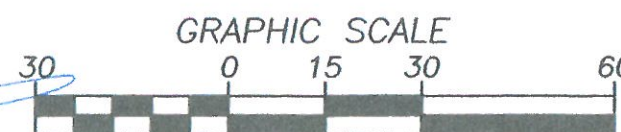
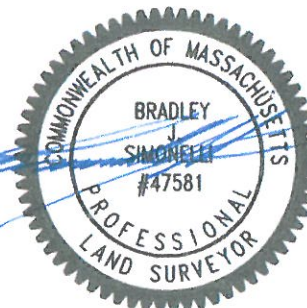
ZONING BOARD OF APPEALS  
PLAN OF LAND  
6 FAIRBANKS AVENUE  
WELLESLEY, MASS.

ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	6,005 SF	6,005 SF
MINIMUM LOT FRONTAGE	60 FEET	50.55 FEET	50.55 FEET
MINIMUM FRONT SETBACK	18.9 FEET	18.9 FEET	18.9 FEET
MINIMUM SIDE YARD	9.9** FEET	9.9 FEET	9.9 FEET
MINIMUM REAR YARD	10 FEET	35.0 FEET	35.0 FEET
MAXIMUM BUILDING COVERAGE	25% OR 2500 SF	1396 SF(23.2%)	1396 SF(23.2%)
MAXIMUM BUILDING HEIGHT	36 FEET	31.1 FEET	31.1 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 STORIES	2 STORIES

\*FRONT SETBACK DETERMINED ZBA DECISION 2016-63

\*\*SIDE SETBACK DETERMINED ZBA DECISION 2016-63



066-16

REVISED:

Field Resources, Inc.  
LAND SURVEYORS

APRIL 27, 2016

SCALE 1"=30'

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AUBURN, MA

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NEEDHAM, MA.

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