

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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WELLESLEY MA 02482
CLERK'S OFFICE
2018 MAY 31 P 3:00

ZBA 2018-30
Petition of Donald Czerniach
81 Audubon Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 3, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Donald Czerniach requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for construction of an attached one car garage with a second story addition and a deck off of the rear with less than required left side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, at 81 Audubon Road, in a 20,000 square foot Single Residence District. An existing shed will be relocated or removed.

On March 29 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.

WITHDRAWN WITHOUT PREJUDICE

Presenting the case at the hearing were Jacob Barnes and Adam Harrington, Element Construction, and Don Czerniach, the Petitioner.

Mr. Barnes said that the request is for relief on an existing nonconforming structure for a 12 foot by 30 foot garage on the left side. He said that the existing setback is 19 feet and they are asking for an 8 foot setback. He said that there are a couple of issues with the lot. He said that there is a drainage easement that runs through the front of the property that prohibits them from putting a garage in the L shape in the front. He said that there is a water infiltration mitigation system that runs around the property that prohibits them from building on many spots on the lot. He said that the topography at the rear of the lot raises about eight feet.

Mr. Barnes said that the existing house has an encroachment of 17.2 feet on the right side. He said that the neighbor on the right side has an encroachment of 17.6 feet. He said that there are some pre-existing nonconformities in the neighborhood.

Mr. Levy said that Mr. Barnes was mixing up concepts. He said that a pre-existing nonconformity concerns a special permit and this is request for a variance, which has a different legal standard. He discussed the criteria under the State Statute and the bylaw that the Board must consider in granting a variance. He said that Mr. Barnes discussed topography as being an issue but he did not think that would prevent them from putting the garage behind the house. He said that the Board did not hear any evidence of wetlands or soil conditions other than a drainage easement. He said that there are no issues with the shape of the lot. He said that there is a heavy burden for the Board to make a finding that this qualifies for

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Mr. Czerniach said that the initial idea was to come forward towards Audubon Road. Mr. Levy said that it would still impinge on the side yard setbacks. Mr. Czerniach asked about putting in two bays and moving the driveway. Mr. Levy said that would still need a variance to impinge into the setback. Mr. Czerniach said that the best thing about his house is the backyard and it will be a difficult leap to dig into it. Mr. Levy said that the homeowner could consider getting a state curb cut permit to come in off of Route 9 and putting a garage back there.

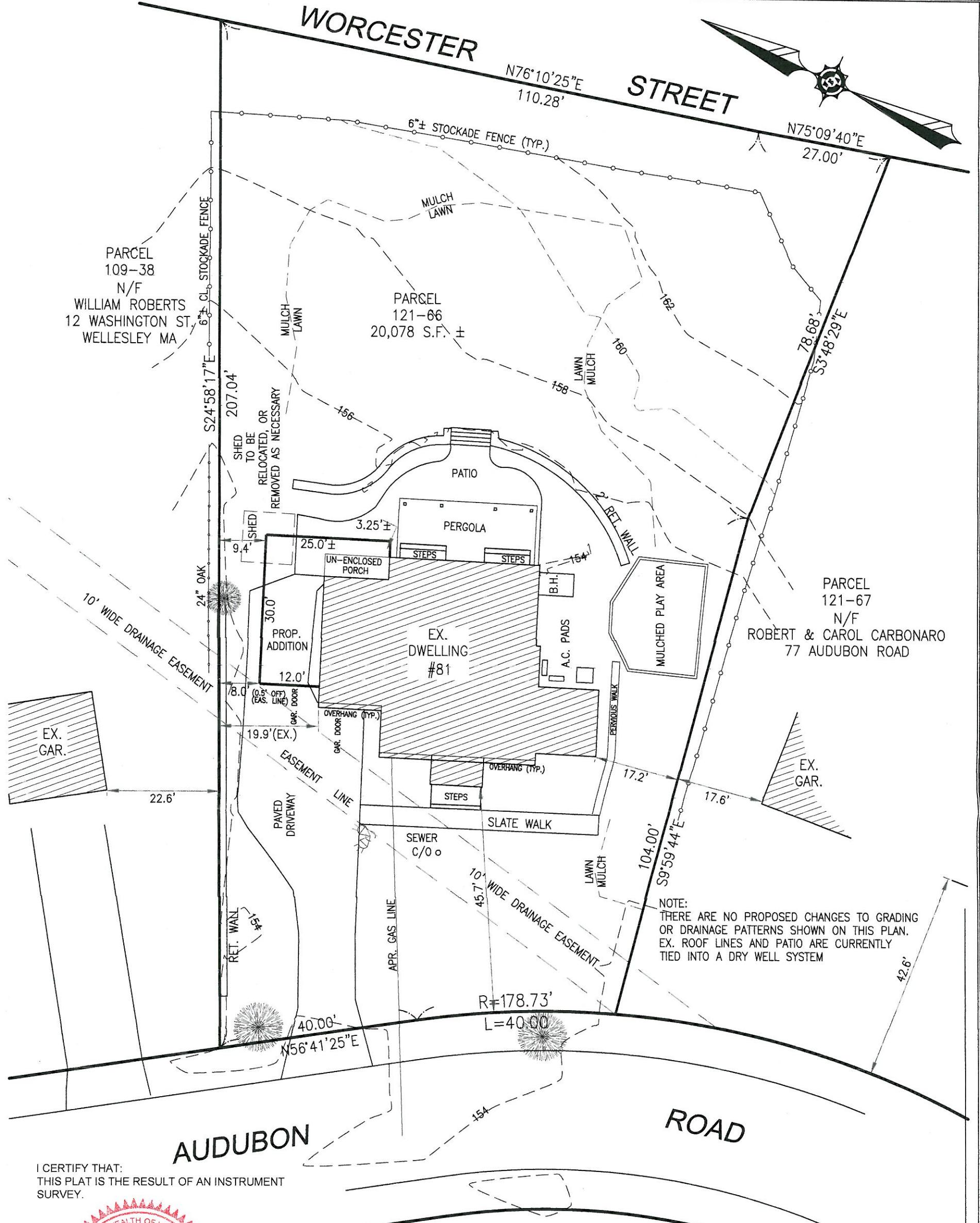
Mr. Becker asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Becker discussed the process for moving forward with this petition.

Mr. Czerniach requested that the petition be allowed to be withdrawn without prejudice.

Mr. Levy moved and Mr. Sheffield seconded the motion to allow the petition to be withdrawn without prejudice. The Board voted unanimously to allow the petition to be withdrawn without prejudice.

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2018 MAY 31 P 3:06



I CERTIFY THAT:
THIS PLAT IS THE RESULT OF AN INSTRUMENT
SURVEY.



PROFESSIONAL LAND SURVEYOR

3/18/2018
DATE

RECORD OWNERS & APPLICANTS:
DONALD CZERNIACH & SHIRA DORON
RECORD DEED:
LAND COURT CERTIFICATE #181327

LOCUS IS ZONED AS:
SR-20

MIN. REQUIRED FRONT YARD = 30'
MIN. REQUIRED SIDE YARD = 20' VARIANCE IS REQUESTED TO 8.0'

MIN. REQUIRED REAR YARD = 20'
MODAL STREET LINE SETBACK OF DWELLINGS WITHIN 500' IS
GREATER THAN 30'. THERE ARE NO CHANGES TO EX. STREET LINE SETBACKS
PROPOSED ON THIS PLAN

PROPOSED ON THIS PLAN
EX. BUILDING COVERAGE:

EX. DWELLING = 1,900 S.F.

EX. SHED = 100 S.F.

TOTAL EX. BUILDING COV. = 2,000 SF
PROPOSED ADDITION 170 SF

PROPOSED ADDITION = 470 S.F.
TOTAL PROPOSED BUILDING COVERAGE = 3,470 S.F.

EX. LOT COVERAGE (IMPERVIOUS) = 1,865 S.F. / 20,078 = 24.2%

TOTAL PROB. LOT COVERAGE = 4,865 / 20,078 = 24.73%

TOTAL PROP. LOT COVERAGE = 4,965/20,078 = 24.73%
APR 224 SF OF DRIVEWAY + 146 SF OF PATIO (370

APR. 224 S.F. OF DRIVEWAY + 146 S.F. OF PATIO (370) TO BE REMOVED & REPLACE WITH STRUCTURE. NET INCREASE OF IMPERVIOUS AREA IS 100 S.F.