



ZONING BOARD OF APPEALS

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

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ZBA 2016-60

Petition of Matt & Abby Fischer
6 Woodlawn Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 11, 2016 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Matt & Abby Fischer requesting a Variance and/or a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that demolition and reconstruction of an existing nonconforming one-story garage with less than required left side yard setbacks, and demolition and reconstruction of walls and windows on an existing nonconforming sunporch with less than required right side yard setbacks, in a 10,000 square foot Single Residence District, at 6 Woodlawn Avenue, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 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 were Emory Patterson, representing Matt & Abby Fischer, the Petitioner, and Jason Chambers, Architect.

Mr. Patterson said that the request is to demolish and rebuild an existing nonconforming garage and rebuild a sunroom on the other side of the house. He said that they will not be expanding the footprint. He said that the plan is to rebuild the deteriorated garage and sunroom.

The Board asked if the homeowners are renovating the house. Mr. Patterson said that they just purchased the property. He said that he is the contractor.

Mr. Patterson said that they will use the existing foundation.

The Board asked why there was a question of why this would be a special permit versus a variance. The Executive Secretary said that a portion of the structure will be taken down and it was a question of losing grandfathered setbacks.

The Board asked if the height will be increased. Mr. Patterson said that it will look very similar once it is done. He said that it will be on the same footprint. Mr. Chambers said that they will use the same materials as the rest of the house. The Board confirmed that it will be the same massing and height.

There was no one present at the public hearing who wished to speak to the petition.

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The Board discussed granting a variance versus a special permit for this project. The Board said that there would have to be some evidence to justify a variance. The Board discussed teardowns and grandfathering rights. The Board said that because the only nonconforming portion of this house is what they propose to tear down, once it is removed the house is conforming. The Board said that a typical special permit is adding on to an existing nonconforming structure. The Board said that a variance gives new zoning rights on a property forever. The Board said that if someone wanted to demolish an entire house and build a new nonconforming house, the Board would generally require a variance to build within the setback. The Board said that this is a lesser included analysis. The Board said this is not a case where the setback is changing to something less. The Board agreed that it should treat this as a special permit.

Statement of Facts

The subject property is located at 6 Woodlawn Avenue, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 10 feet and a minimum right side yard setback of 10.6 feet.

The Petitioner is requesting a Variance and/or a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that demolition and reconstruction of an existing nonconforming one-story garage with less than required left side yard setbacks, and demolition and reconstruction of walls and windows on an existing nonconforming sunporch with less than required right side yard setbacks, in a 10,000 square foot Single Residence District, at 6 Woodlawn Avenue, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/3/16, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 6/13/16, prepared by Jason Chambers, Architect, and photographs were submitted.

On July 27, 2016, the Planning Board 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 demolition and reconstruction of an existing nonconforming one-story garage with less than required left side yard setbacks, and demolition and reconstruction of walls and windows on an existing nonconforming sunporch with less than required 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.



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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition and reconstruction of an existing nonconforming one-story garage with less than required left side yard setbacks, and demolition and reconstruction of walls and windows on an existing nonconforming sunporch with less than required 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.

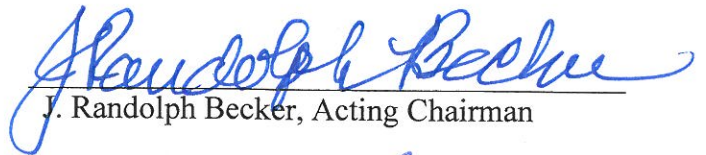
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

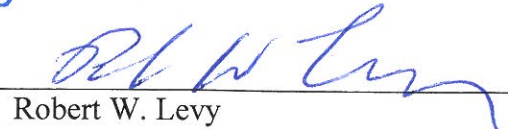
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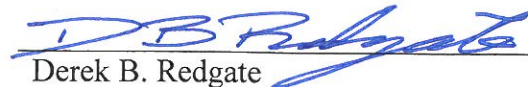
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

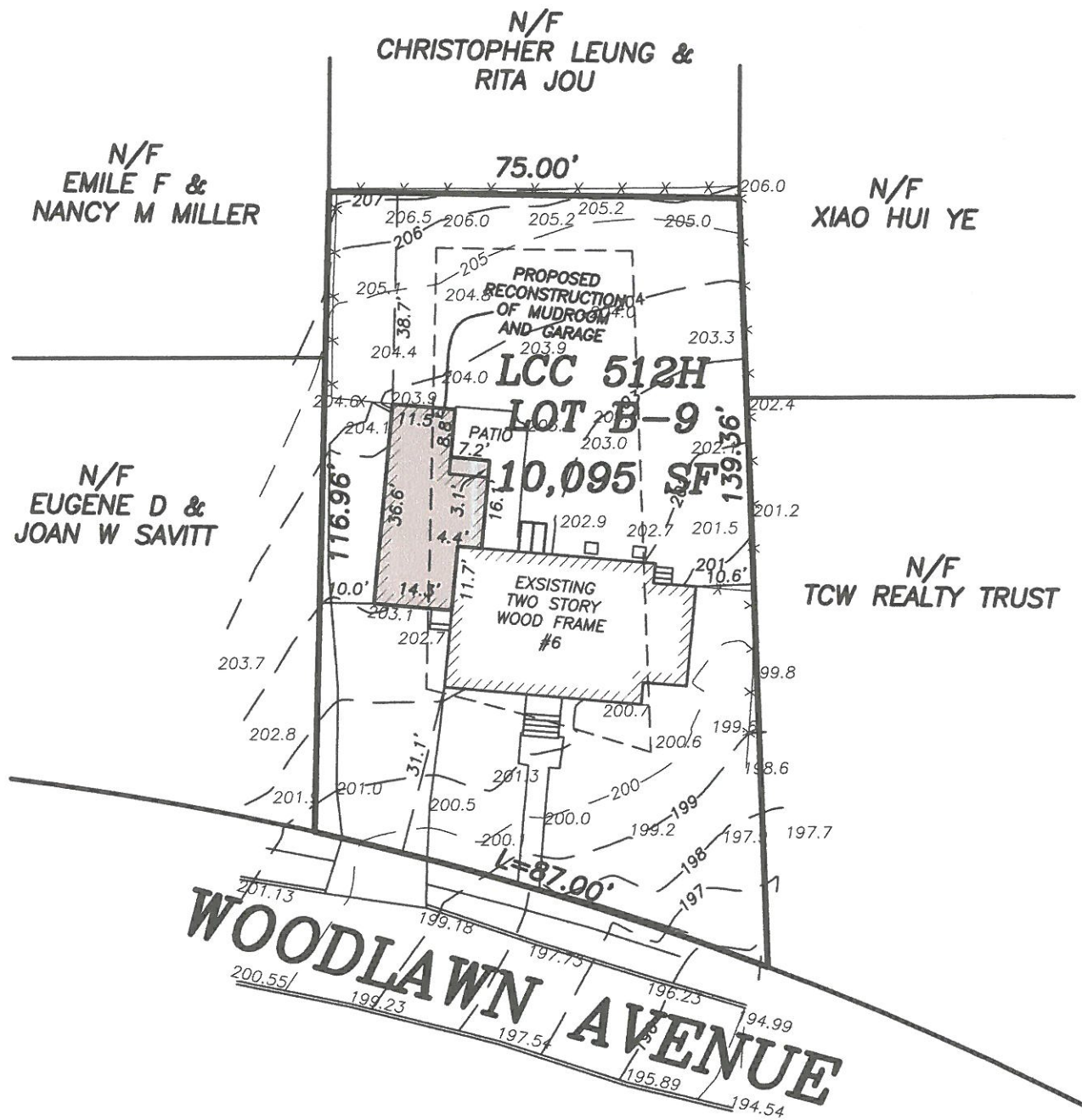

J. Randolph Becker, Acting Chairman


Robert W. Levy


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

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ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	10,095 SF	10,095 SF
MINIMUM LOT FRONTAGE	60 FEET	87.00 FEET	87.00 FEET
MINIMUM FRONT SETBACK	30 FEET*	31.1 FEET	31.1 FEET
MINIMUM SIDE YARD	20 FEET	10.0 FEET	10.0 FEET
MINIMUM REAR YARD	10 FEET	38.7 FEET	38.7 FEET
MAXIMUM BUILDING COVERAGE	20% OR 2500 SF	1676 SF(16.6%)	1698 SF(16.8%)
MAXIMUM BUILDING HEIGHT	36 FEET	36 FEET	36 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 1/2 STORIES	2 1/2 STORIES

*FRONT SETBACK DETERMINED BY 500 FOOT RULE

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



Field Resources, Inc.
LAND SURVEYORS

JUNE 3, 2016 SCALE 1"=30'
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