

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5918

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RECEIVED
NOV 12 2020
P 1:52 PM
CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2020-44

Petition of Ryan & Lauren Huard
53 Garden Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, October 29, 2020 at 7:30 pm, on the petition of Ryan & Lauren Huard requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that reconstruction and raising the roof line of an existing second story over an existing nonconforming garage with less than required right side yard setbacks and construction of a two story addition at the rear of the house that will meet all setback requirements, on a 15,066 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 53 Garden Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 6, 2020, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication. In accordance with Chapter 53 of the Acts of 2020, the hearing was scheduled for October 29, 2020.

Present at the public hearing were Ryan and Lauren Huard, the Petitioner. Mr. Huard said that they are looking to expand some living space in the home for their young, growing family. He said that they came before the Board five years ago but did not take action on that approval. He said that they reduced the scope of the project to improve the kitchen and add living space.

The Chairman said that the previously approved addition had a left side yard setback of 27 feet and the currently proposed addition has a left side yard setback of 21 feet. He said that he did not know when the air conditioner (ac) compressors were installed but they violate current zoning because they are in the setback. He said that there is nothing in this application that the Board would be approving the compressors. Mr. Huard said that the compressors were there when they bought the house.

The Board said that both side yard setbacks are nonconforming but are not an impediment to this application. The Board said that it is an undersized lot for the district but is a generous size and will be under the TLAG for the district.

Mr. Huard said that he spoke with the next door neighbor about the work and he was very supportive. He said that the property on the other side is the Garden Close condominiums and he had not spoken with them. He said that side of the condominium complex is brick and there is significant tree coverage in that area.

There was no member of the public who wished to speak to the petition.

Statement of Facts

The subject property is located at 53 Garden Road, on a 15,066 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum right side yard setback of 10.4 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that reconstruction and raising the roof line of an existing second story over an existing nonconforming garage with less than required right side yard setbacks and construction of a two story addition at the rear of the house that will meet all setback requirements, on a 15,066 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 4/28/20, stamped by John R. Hamel, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 9/23/20, prepared by Aaron Socrat, Architect, and photographs were submitted.

On October 28, 2020, 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.

It is the opinion of this Authority that reconstruction and raising the roof line of an existing second story over an existing nonconforming garage with less than required right side yard setbacks and construction of a two story addition at the rear of the house that will meet all setback requirements, on a 15,066 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet will not result in the intensification of existing nonconformities, will not result in additional nonconformities, and will 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 reconstruction and raising the roof line of an existing second story over an existing nonconforming garage with less than required right side yard setbacks and construction of a two story addition at the rear of the house that will meet all setback requirements, on a 15,066 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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, Chairman

Robert W. Levy
Robert W. Levy

Walter B. Adams
Walter B. Adams

ZBA 2020-44
Applicant Ryan & Lauren Huard
Address 53 Garden Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

2020 NOV 12 P 1:52
REC'D BY CLERK
TOWN CLERK'S OFFICE
WELLESLEY, MA 02482

cc: Planning Board
Inspector of Buildings
lrm

PLOT PLAN
53 GARDEN ROAD
WELLESLEY, MASSACHUSETTS

1 INCH = 20 FEET APRIL 28, 2020
SNELLING & HAMEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & ENGINEERS
10 LEWIS STREET P.O. BOX 102
LINCOLN, MASSACHUSETTS 01773
(781) 259-0071

SCALE 1" = 20'

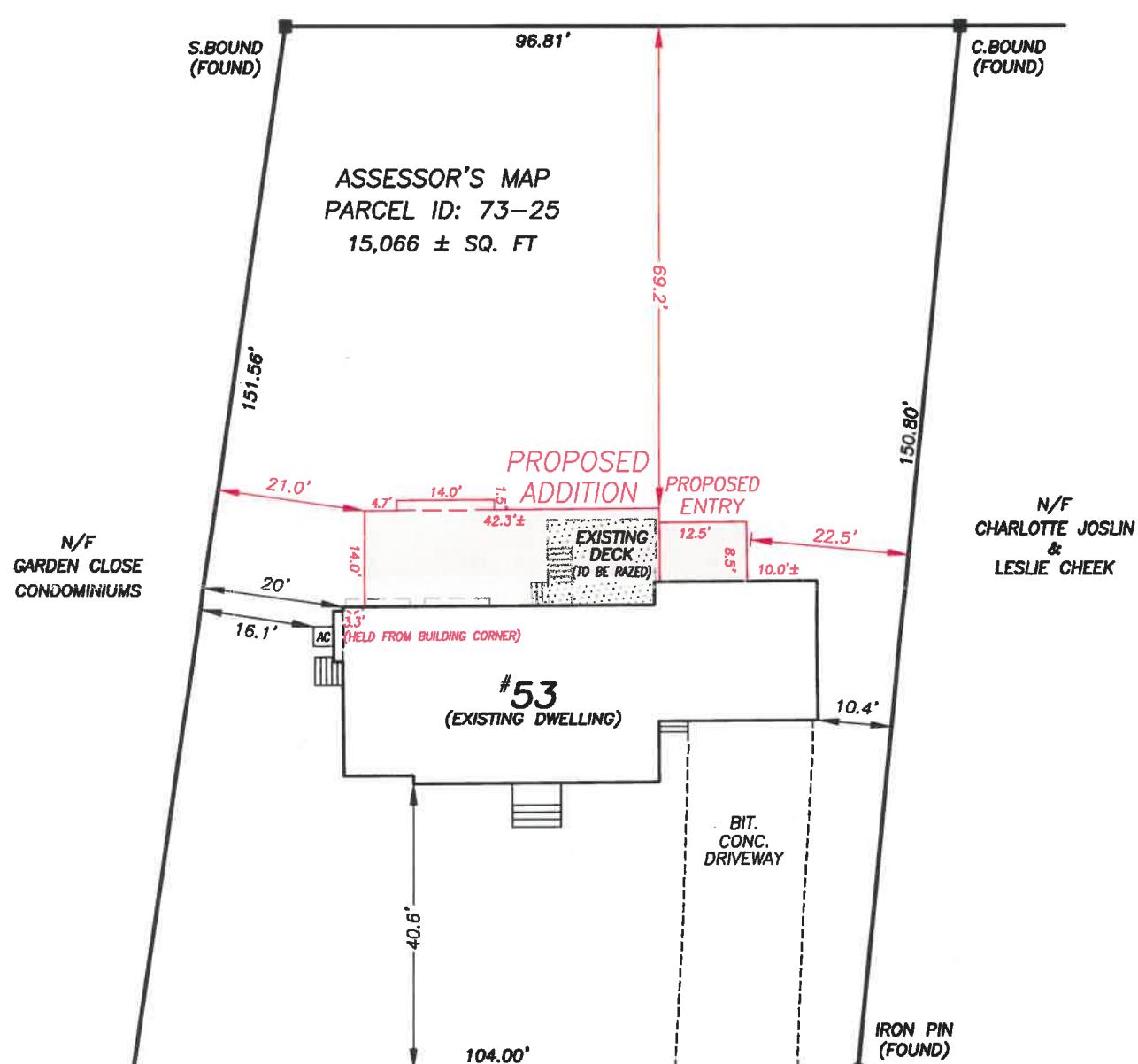
0 20 40 60 80

PLAN IN BOOK 2012 PAGE 30

OWNERS OF RECORD:

RYAN HUARD
&
LAUREN HUARD
BK.30903 PG.301

N/F
GARDEN CLOSE
CONDOMINIUMS



NOTES:

- ZONING DISTRICT: SINGLE RESIDENCE 20
- EXISTING LOT COVERAGE = $1,991 \pm$ SF OR 13.2%
- PROPOSED LOT COVERAGE = $2,338 \pm$ SF OR 15.5%

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF SEPTEMBER 24, 2014, WITH THE USE OF A TOPCON TOTAL STATION. A FIELD REVIEW WAS CONDUCTED IN APRIL 2020.

JOHN R. HAMEL
PROFESSIONAL
LAND SURVEYOR



APRIL 28, 2020

DATE:

15685.DWG
APRIL 28, 2020