

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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2021 JAN 21 A H
WELLESLEY MA

ZBA 2021-03

Petition of Thomas Keiser
38 Inverness Road

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, January 7, 2021 at 7:30 pm, on the petition of Thomas Keiser requesting modification of a Variance (ZBA 87-93) pursuant to the provisions of Section 14E, Section 19 and Section 24 of the Zoning Bylaw for construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 19,290 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, in a Water Supply Protection District, at 38 Inverness Road.

On December 9, 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.

Present at the public hearing were Thomas and Vicky Keiser, the Petitioner, and John Chapman, Architect.

Mr. Keiser said that the request is to modify a variance that was granted in 1987 for an addition on the back of the house that was nonconforming on the right side. He said that they are asking to put a one story sunroom behind the addition on top of a brick patio, further away from the side lot line.

The Chairman said that the lot area is nonconforming at 19,280 square feet in a 20,000 square foot Single Residence District, and the house is nonconforming on both sides. He said that the existing right side yard setback is 17.9 feet and the proposed right side yard setback for the addition will be 19.1 feet.

A Board member asked if the proposed addition could have been moved further away from the lot line. Mr. Chapman said that the addition is designed symmetrically on the existing gable. He said that if they take 10 inches off of one side, they would have to take 10 inches off of the other side and that would result in substantial loss of space in the room. He said that it is a single room on the back of house.

The Chairman said that the proposal is for a small addition that is less nonconforming than the existing house. He said that even with the addition, the TLAG will be well below the trigger for a 20,000 square foot Single Residence District. A Board member said that the house is located on a large property with a lot of space and although the setback is nonconforming, the adjacent property on that side has a lot of land and screening.

A Board member said that because of the existing brick patio, there will be no increase in impervious surface with respect to wetlands and the Water Supply Protection District.

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

Statement of Facts

The subject property is located at 38 Inverness Road, on a 19,290 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, in a Water Supply Protection District, with a minimum right side yard setback of 17.9 feet and a minimum left side yard setback of 17.3 feet where 20 feet is required.

The Petitioner is requesting modification of a Variance (ZBA 87-93) pursuant to the provisions of Section 14E, Section 19 and Section 24 of the Zoning Bylaw for construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 19,290 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, in a Water Supply Protection District.

A Plot Plan, dated 10/29/20, stamped by Christopher C. Charlton, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 10/22/20, prepared by John Chapman Architect, and a photograph were submitted.

On January 6, 2021, 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. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section 14E of the Zoning Bylaw for Water Supply Protection Districts.

The Board is of the opinion that in granting amendment of a previously granted Variance, ZBA 87-93, it was determined by a previous Board in 1987 that a hardship existed.

Therefore, in reliance on the prior findings of that Board, this Board amends the Variance to permit construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 19,290 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, subject to the following condition:

- A copy of the Negative Determination of Applicability from the Wetlands Protection Committee be submitted.

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, modification of this Variance shall expire one year after the date time stamped on this decision.

ZBA 2021-03
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38 Inverness Road

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 (l.m.)
J. Randolph Becker, Chairman

Walter B. Adams (l.m.)
Walter B. Adams

Derek B. Redgate (l.m.)
Derek B. Redgate

ZBA 2021-03
Applicant Thomas Keiser
Address 38 Inverness Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2021 JAN 21 AM 11:20
TOWN CLERK
WELLESLEY MA 02481
CERTIFIED

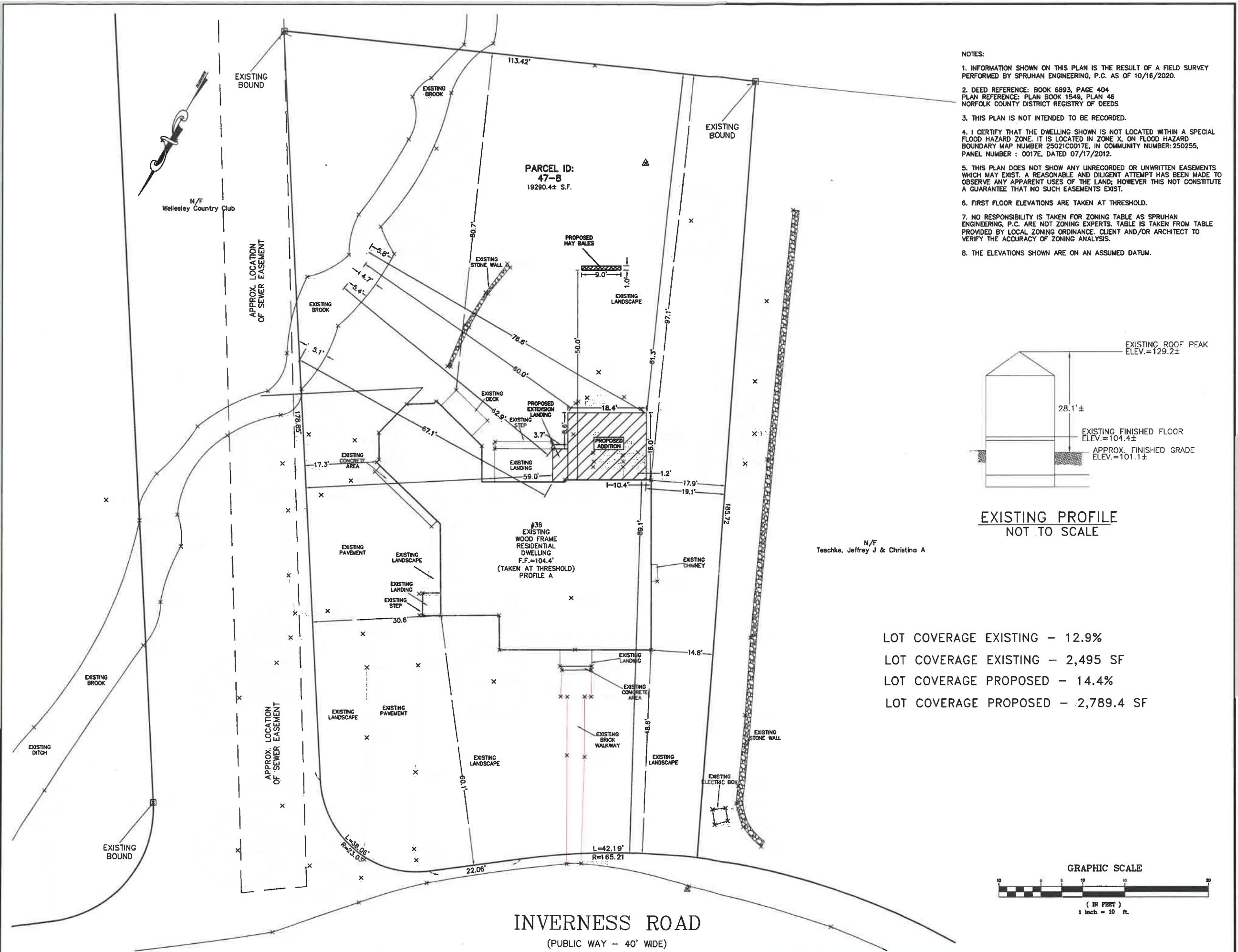
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm



*Spruhan
Engineering, P.C.*

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38 INVERNESS ROAD
WELLESLEY
MASSACHUSETTS

SURVEY PLAN

REVISION BLOCK

All legal rights including, but not limited to, copyright and design patent rights, in the designs, arrangements and plans shown on this document are the property of Spruhan Engineering, P.C. They may not be used or reused in whole or in part, except in connection with this project, without the prior written consent of Spruhan Engineering, P.C. Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on this project, and Spruhan Engineering, P.C., must be notified of any variation from the dimensions and conditions shown by these drawings.



DATE:	10/29/2020
DRAWN BY:	D.K.
CHECKED BY:	C.C.
APPROVED BY:	F T S

PROPOSED PILOT PLAN

SHEET 1 OF 1