

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2021-04

Petition of Julien Grant
74 Leighton 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 Julien Grant requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that enclosure of an existing nonconforming porch with less than required side yard setbacks, on a 9,262 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 74 Leighton Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Petitioner is requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for installation of air conditioner units and pads with less than required side yard setbacks.

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 was Julien Grant, the Petitioner, who said that the request is to place two air conditioning (ac) condensers next to the porch and to replace sliding glass doors with part wall and part windows on an existing three season porch. He said that the footprint of the house will not change.

Mr. Grant said that it is a triangular lot with no rear yard. He said that they could move the condensers toward the street where they would be more visible but they prefer to put them on the side of the house. The Chairman said that he did not believe that the condensers would be in the setback area. He said that the left lot line is zero length and the leg of the triangle is the rear lot line. He said that it did not seem reasonable to stand in the street and look at the sloping line that is on the opposite side from the front door and call that a side yard. He said that the minimum setback requirement from the rear lot line is 10 feet and the proposed setback is 13 feet. He said that although this does not fit directly with the bylaw, he was willing to find that this is a rear lot line and the shown location of the ac condensers will comply with the bylaw.

A Board member said that the property abuts town land rather than a residential lot. He said that in this situation, it is a rear yard that does not need a variance because the abutting property is town land that will never be developed. The Chairman said that Section 19B of the Zoning Bylaw refers to 10,000 and 15,000 Area Regulation Districts. He said that he did not think that park land would trigger the side yard/rear yard switch.

The Chairman said that it is an undersized lot. Mr. Grant said that the footprint of the existing unheated, enclosed porch with sliding glass doors will not change. He said that the sliding glass doors are damaged and will be replaced with windows and walls. The Chairman said that heating the porch could change the TLAG calculation slightly.

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

Statement of Facts

The subject property is located at 74 Leighton Road, on a 9,262 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 7.5 feet and a minimum right side yard setback of 10.1 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 enclosure of an existing nonconforming porch with less than required side yard setbacks, on a 9,262 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Petitioner is requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for installation of air conditioner units and pads with less than required side yard setbacks.

A Plot Plan, dated 10/21/20, stamped by Peter A. Lothian, Professional Land Surveyor, Floor Plans and Elevation Drawing, dated 11/10/20, prepared by Design West, and photographs were submitted.

On January 6, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved.

On December 21, 2020, the Wetlands Protection Committee issued a Negative Determination of Applicability.

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 enclosure of an existing nonconforming porch with less than required side yard setbacks, on a 9,262 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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 enclosure of an existing nonconforming porch with less than required side yard setbacks, on a 9,262 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan and construction drawings.

It is the opinion of this Authority that the property line at the rear of the property, opposite the front door, is the rear property line and therefore, a variance is not required for installation of air conditioner units and pads, in accordance with the submitted plans.

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 (lrm)
J. Randolph Becker, Chairman

Walter B. Adams (lrm)
Walter B. Adams

Derek B. Redgate (lrm)
Derek B. Redgate

2021 JAN 21 A II:21
TOWN CLERK
WELLESLEY MA 02481

ZBA 2021-04
Applicant Julien Grant
Address 74 Leighton 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:

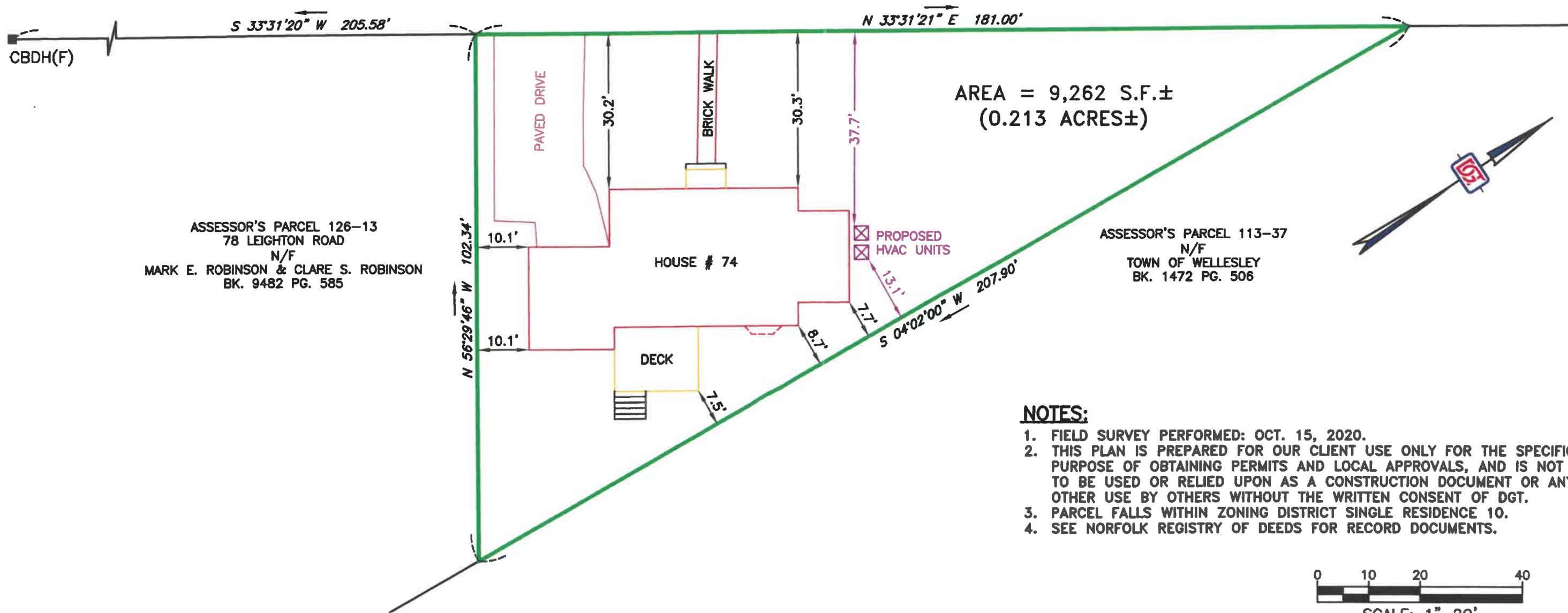
Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

CBDH(F)

25644

LEIGHTON (PUBLIC ~ 1937 LAYOUT) ROAD



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IN MY PROFESSIONAL OPINION, I CERTIFY TO JULIEN GRANT AND THE TOWN OF WELLESLEY BUILDING INSPECTOR THAT, AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, I FIND THAT THE STRUCTURE FALLS WITHIN FLOOD ZONE X (UNSHADED) AS SHOWN ON THE F.I.R.M. MAP FOR MIDDLESEX COUNTY MASSACHUSETTS, PANEL #25021C0016E, DATED JULY 17, 2012 AND THAT THE LOCATION OF THE PROPOSED HVAC UNITS ARE AS SHOWN HEREON.



Peter A. Lothian
PROFESSIONAL LAND SURVEYOR
10/21/2020
DATE:

RECORD OWNER(S)
JULIEN A. GRANT & SUSAN JUNG GRANT
DEED BOOK 38173 PAGE 339
LOT "9260 SQ. FT." ON PLAN 839 OF 1930
ASSESSOR'S PARCEL ID 126-12

CERTIFIED PLOT
PLAN OF LAND
74 LEIGHTON ROAD
WELLESLEY, MASSACHUSETTS
NORFOLK COUNTY

RESEARCH:
PAL
FIELD:
HMP/CTP
CALCULATION:
PAL/HMP
DRAFTING:
PAL
CHECK:
PAL

PREPARED FOR:
Julien Grant
PREPARED BY:
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