

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
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(781) 431-1019 EXT. 2208

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2021 JUL 15 P 12:55

RECEIVED
WELLESLEY
TOWN HALL

ZBA 2021-53

Petition of Kerry & Edward Eagan
175 Walnut Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 1, 2021 at 7:30 pm, on the petition of Kerry & Edward Eagan requesting Amendment of a Variance, ZBA 50-11, pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for construction of a two story addition with a two car garage underneath with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot at 175 Walnut Street, in a 10,000 square foot Single Residence District.

On May 5, 2021, 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 on behalf of the petition was David Himmelberger, Esq., who said that the request is for modification of a variance to permit a proposed addition. He said that the property had a prior variance granted in 1950 to permit two houses on a single lot to be split into two lots, with one of the lots having only 8,153 square feet and the house at 175 Walnut Street having 14,000 square feet in a 10,000 square foot Single Residence District, with a side yard setback of 10.2 feet. He said that it was called a variance, although at the time the Board was empowered to grant exceptions to the bylaw.

Mr. Himmelberger said that the proposal is to add onto the building, continuing the nonconforming setback and bettering it to 10.4 feet. He said that the lot tapers toward the rear. He said that TLAG will be 4,216 square feet in a SR10 district and lot coverage will be 13.1 percent or 1,844 square feet. He said that the peak height will remain the same although it increases to 27.8 feet from average finished grade where it extends over a deeper grade. He said that the proposed addition will be otherwise compliant. He said that the two air conditioning units will be outside of the setback area. He said that there are no retaining walls greater than four feet and the curb cut for the driveway at the lot line will be 20 feet. He said that the neighbor to the right and the neighbor across at 183 Prospect Street wrote letters of support. He said that the property to the rear is the Town's aqueduct. He said that this will not be substantially more detrimental to the neighborhood.

Mr. Himmelberger said that because the request is for modification of a variance, if relief is granted the project will go to the Planning Board for Large House Review (LHR). The Chairman said that the right side setback from Walnut Street is the issue before the Board. He said that it will be the largest TLAG in the neighborhood but the project will go through LHR.

No member of the public wished to speak to the petition.

Statement of Facts

The subject property is located on a corner lot at 175 Walnut Street, in a 10,000 square foot Single Residence District.

The Petitioner is requesting Amendment of a Variance, ZBA 50-11, pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for construction of a two story addition with a two car garage underneath with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks.

A Plot Plan, dated 5/3/21, stamped by Alfred M. Berry, Professional Land Surveyor on 5/5/21 and 5/21/21, Architectural Site Plan showing curb cut, dated 6/21/21, Floor Plans and Elevation Drawings and TLAG Affidavit, dated 5/1/21, prepared by Robert H. Williamson, Architect, were submitted.

On June 30, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved, with conditions.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

The Board is of the opinion that in granting amendment of a previously granted Variance, ZBA 50-11, it was determined by a previous Board in 1950 that a hardship existed.

Therefore, in reliance on the prior findings of that Board, this Board amends the Variance to permit construction of a two story addition with a two car garage underneath with less than required side yard setbacks, on an existing nonconforming structure with less than required 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 construction plans.

If construction has not commenced, except for good cause, Amendment of the Variance shall expire one year after the date time stamped on this decision.

2021JUL15 P 12:55
CITY OF NEWARK
ZONING BOARD OF ADJUSTMENT

ZBA 2021-53
Petition of Kerry & Edward Eagan
175 Walnut Street

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

R.W. Levy
Robert W. Levy

W.B. Adams
Walter B. Adams

RECEIVED
TOWN CLERK
WELLESLEY MA 02451
JUL 15 P 12:55

ZBA 2021-53
Applicant Kerry & Edward Eagan
Address 175 Walnut Street

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

1.) LOCUS DOES NOT LIE WITHIN ANY FEDERALLY DESIGNATED FLOOD ZONE AS SHOWN ON FIRM MAP 25021C0016E WITH AN EFFECTIVE DATE OF JULY 7, 2012.

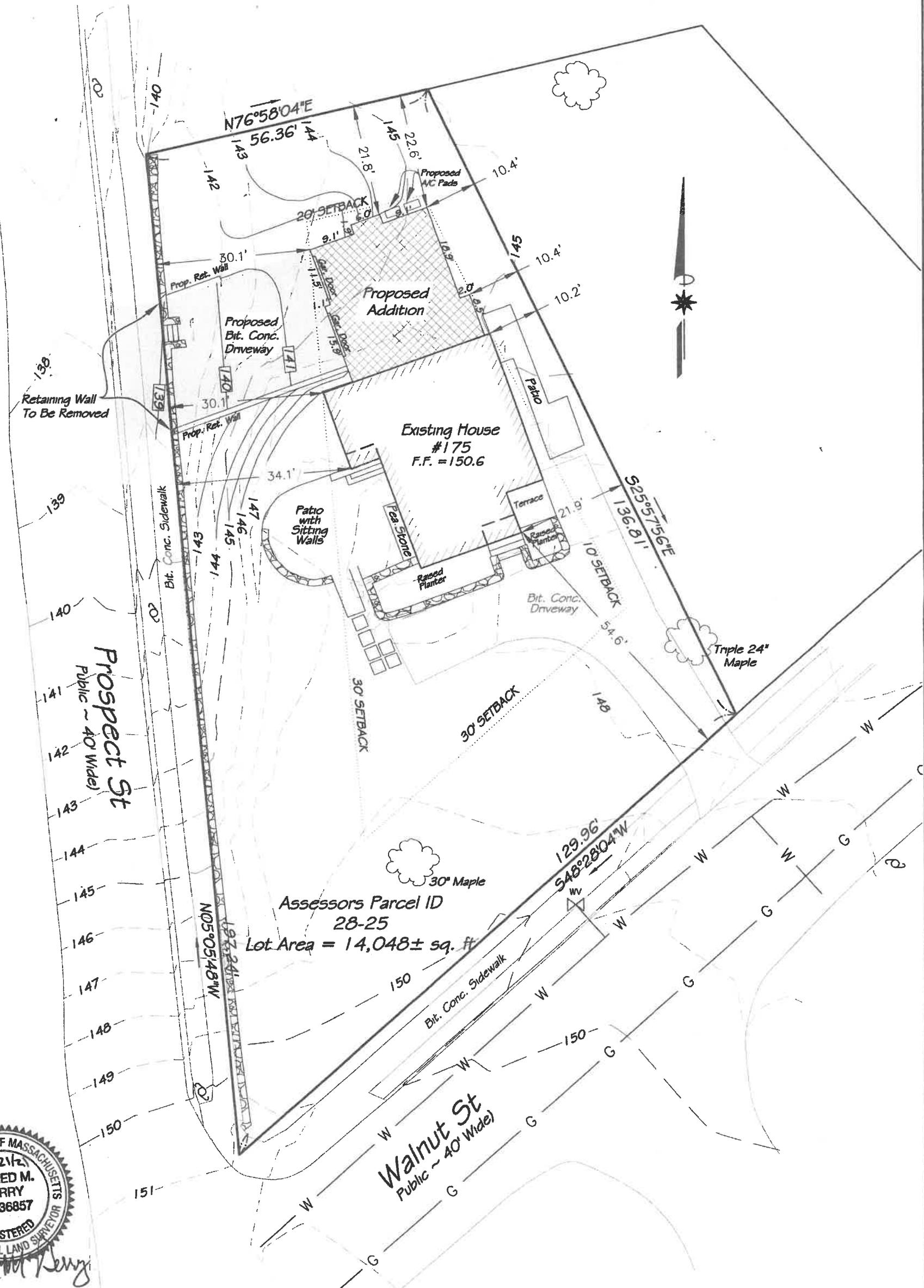
Lot Coverage Information:

Existing Coverage: 8.1% (1,134 Sq. Ft.)
Proposed Coverage: 13.1% (1,844 Sq. Ft.)

Zoning Information:

Zone SR10 - Single Residence

Minimum Lot Size.....	10,000 S.F.
Minimum Frontage.....	60 FT
Minimum Yard Width.....	60 FT
Minimum Front Yard Depth.....	30 FT
Minimum Side Yard Depth.....	20 FT
Minimum Rear Yard Depth.....	10 FT



Alfred M. Berry, P.L.S.
Professional Land Surveyor
129 South Main Street, P.O. Box 188
Athol, Massachusetts 01331
P(508) 277-1161

Certified Plot Plan
175 Walnut Street
WELLESLEY, MASSACHUSETTS
5/3/21
1" = 20'

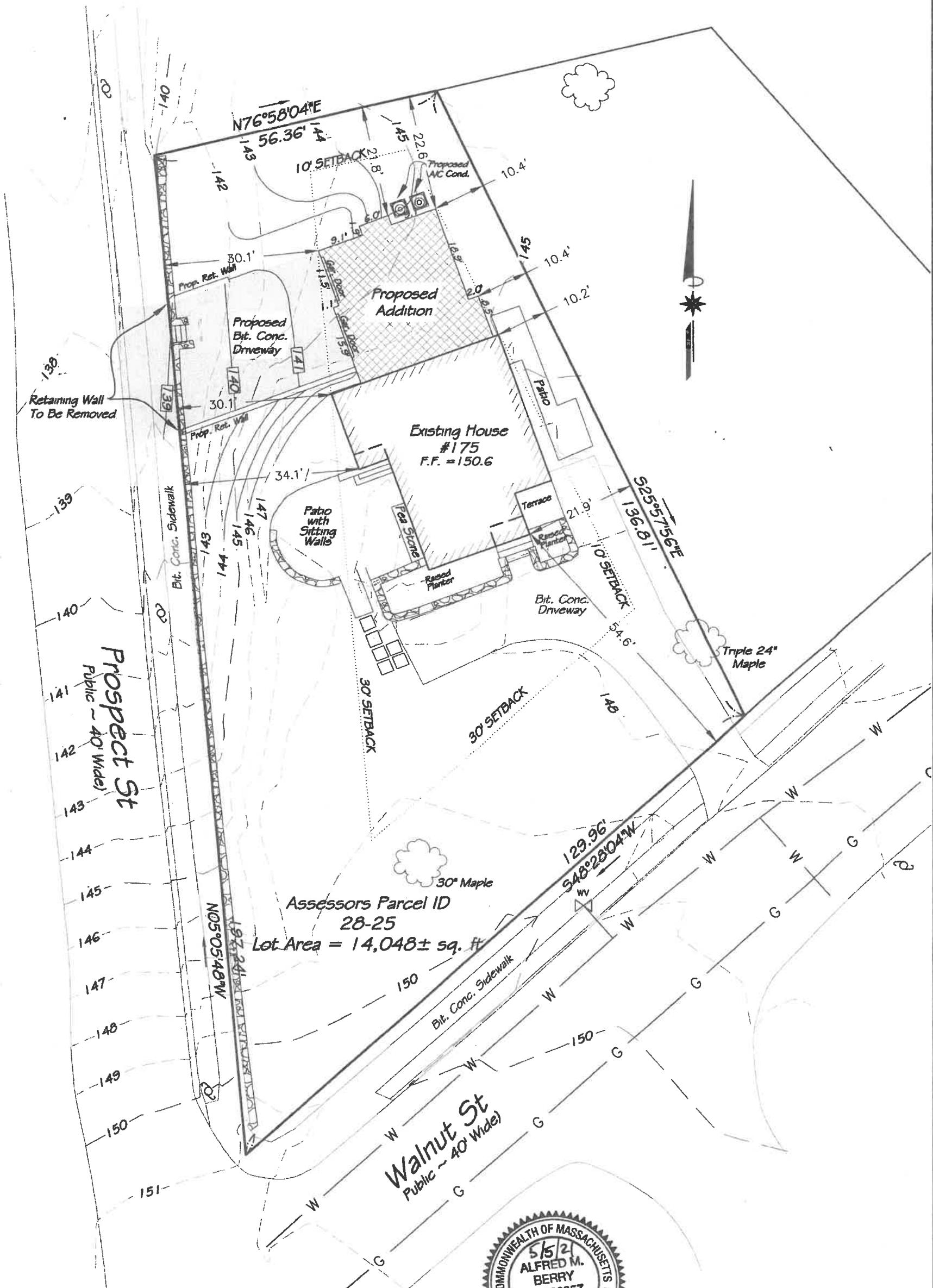
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WELLESLEY, MASSACHUSETTS
5/3/21
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TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
888 WORCESTER STREET, SUITE 160, WELLESLEY, MA 02482

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CLERK'S OFFICE
WELLESLEY MA 02482
JULY 8 PH: 23

ZBA 2021-53 - Extension
Petition of Edward Eagan
175 Walnut Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 4, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Edward Eagan requesting extension of a Variance, ZBA 2021-53, pursuant to the provisions of MGL Chapter 40A, Section 10. Amendment of a Variance was granted on July 15, 2021 pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for construction of a two story addition with a two car garage underneath with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot at 175 Walnut Street, in a 10,000 square foot Single Residence District.

On July 12, 2022, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

There was no one present at the public hearing representing the Petitioner.

The Chairman said that there are no technical changes to the project. He said that at issue is the right side yard setback and the extension is less than the existing nonconformities.

A Board member discussed concerns about the street perspective for the front façade of the house.

A Board member said that the project went through the Large House Review (LHR) process after approval by the Zoning Board and it appears that the project was tweaked. He confirmed that the setback that the Board granted the variance for has not changed.

A Board member said that extension of a variance can be granted for six months, which is the maximum that the statute allows. He said that if the Board does not grant the extension within 30 days of the expiration, the Petitioner will have to apply for a new variance.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located on a corner lot at 175 Walnut Street, in a 10,000 square foot Single Residence District, with a minimum side yard setback of 10.2 feet where 20 feet is required.

The Petitioner is requesting extension of a Variance, ZBA 2021-53, pursuant to the provisions of MGL Chapter 40A, Section 10. Amendment of a Variance was granted on July 15, 2021 pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for construction of a two story addition with a two car garage underneath with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks.

On August 2, 2022, the Planning Board reviewed the petition and recommended that the ZBA deny extension of the variance.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

The subject Variance was granted by the Zoning Board of Appeals on July 15, 2021, pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw, and was recorded with the Norfolk Registry of Deeds on August 5, 2021, Book 39709, Page 306.

Extension of Variance, ZBA 2021-53 is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following condition:

- Extension of Variance, ZBA 2021-53, shall be measured six months from July 15, 2022, which is the expiration date time stamped on the original decision.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2022 AUG 8 PM 12:23

ZBA 2021-53 - Extension
Petition of Edward Eagan
175 Walnut Street

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TO GENERAL LAWS, CHAPTER 40A,
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J. Randolph Becker
J. Randolph Becker, Chairman

Robert W. Levy
Robert W. Levy

Walter B. Adams
Walter B. Adams

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WELLESLEY MA 02482
2021 AUG 8 PM 12:23

ZBA 2021-53 - Extension
Applicant Edward Eagan
Address 175 Walnut Street

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

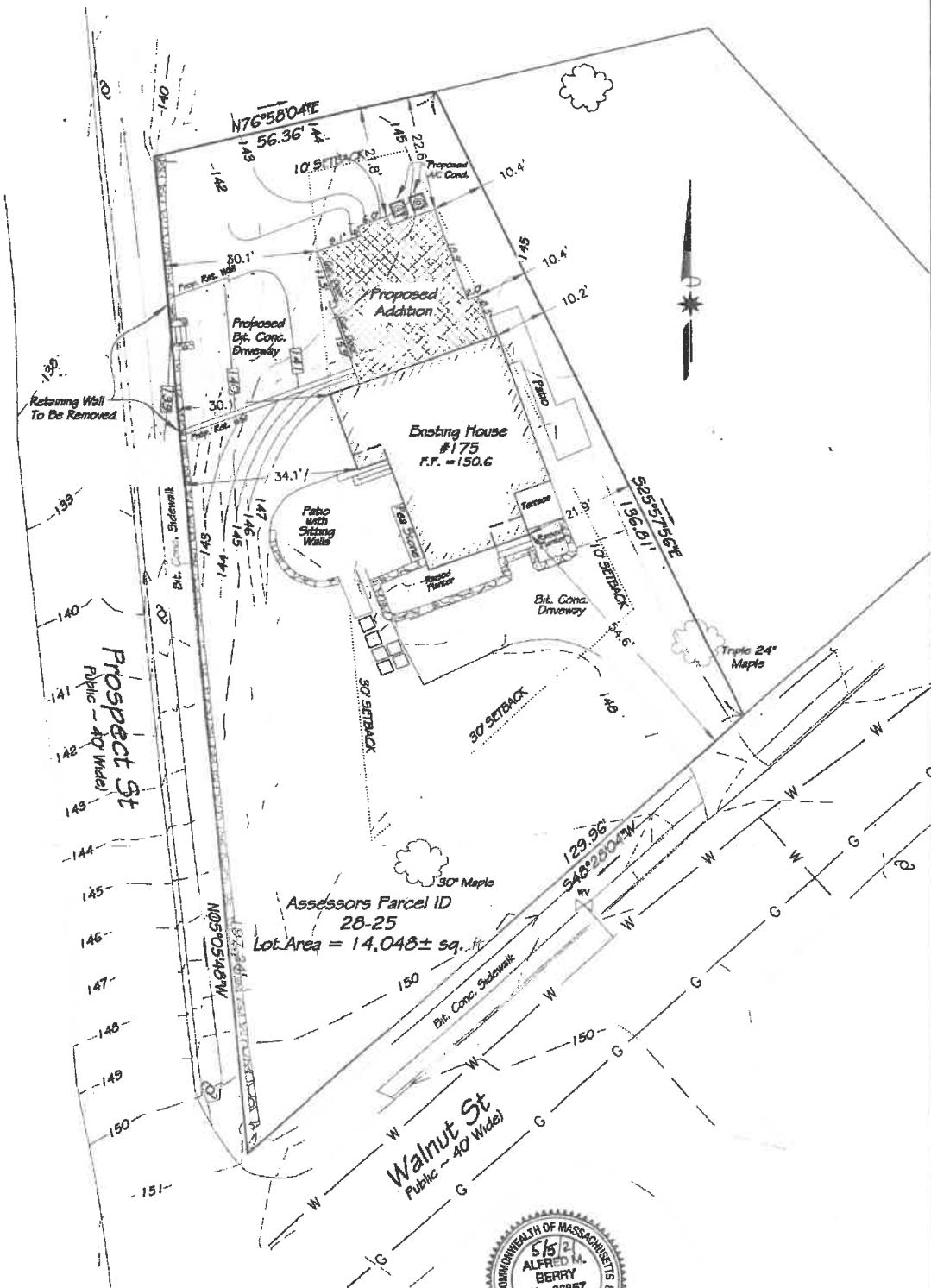
1.) LOCUS DOES NOT LIE WITHIN ANY FEDERALLY DESIGNATED FLOOD ZONE AS SHOWN ON FIRM MAP 25021 C001 GE WITH AN EFFECTIVE DATE OF JULY 7, 2012.

Lot Coverage Information:

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Proposed Coverage: 13.1% (1,844 Sq. Ft.)

Zoning Information:

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