

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2017-97
Petition of Scott & Kim Snapper
38 Hillside Road

REC'D FEB 15 A.M. 18

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 1, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Scott & Kim Snapper requesting a Variance and/or a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV and Section XXV of the Zoning Bylaw for installation of an air conditioning condenser with less than required right side yard setbacks, on a 6,776 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, at 38 Hillside Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The existing nonconforming structure has less than required left side yard and right side yard setbacks. Existing nonconforming frontage is 26.3 feet. Existing lot coverage is 26.6 percent and proposed lot coverage will be 27.35 percent.

On November 16, 2017, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

As there was no one present at the public hearing on December 7, 2017, the hearing was continued to February 1, 2018.

Present at the public hearing was Mageidor.

The Chairman said that the Planning Board recommendations stated that there is no other place for the air conditioning units. He said that there is a large expanse of public land on the side of the property. A Board member said the air conditioning units will not disturb anyone.

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

Statement of Facts

The subject property is located at 38 Hillside Road, on a 6,776 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, with a minimum left side yard setback of 7.1 feet, a minimum right side yard setback of 1.1 feet, and frontage of 26.30 feet. Existing lot coverage is 26.6 percent and proposed lot coverage will be 27.35 percent.

The Petitioner is requesting a Variance and/or a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIX, Section XXIV and Section XXV of the Zoning Bylaw for installation of an air conditioning condenser with less than required right side yard setbacks, on a 6,776 square foot lot in a

Single Residence District in which the minimum lot size is 15,000 square feet. Existing nonconforming frontage is 26.3 feet. Existing lot coverage is 26.6 percent and proposed lot coverage will be 27.35 percent.

A Plot Plan, dated 10/9/17, stamped by Kevin J. Jarvis, Professional Land Surveyor, and Specifications for Sure Comfort Model SA13 Air Conditioners were submitted.

On December 5, 2017, the Planning Board reviewed the petition and recommended that the variance be granted.

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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape of the lot, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted for installation of an air conditioning condenser with less than required right side yard setbacks, on a 6,776 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet and frontage of 26.3 feet, with existing lot coverage of 26.6 percent and proposed lot coverage of 27.35 percent, in accordance with the submitted plot plan and Sure Comfort SA13 specifications.

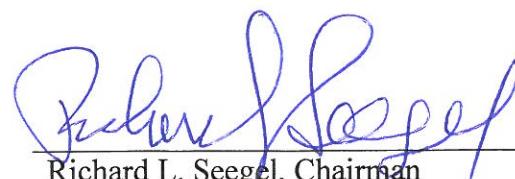
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

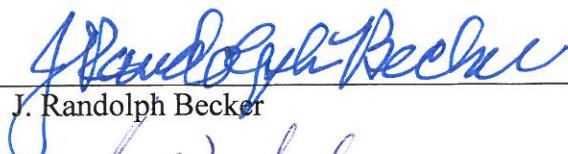
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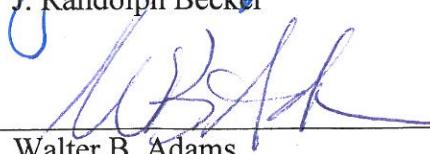
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



J. Randolph Becker



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

**PLAN SHOWING PROPOSED CONDENSER
PREPARED FOR
SCOTT & KIMBERLY SNAPPER
38 HILLSIDE ROAD
WELLESLEY, MASSACHUSETTS
OCTOBER 9, 2017
SCALE: 1 INCH = 30 FEET**

**JARVIS LAND SURVEY, INC
29 GRAFTON CIRCLE
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**ASSESSORS MAP 52
LOT 39**

ZONING DATA:

SR15 AREA = 15,000 S.F.
LOT FRONTAGE = 60'
FRONT YARD SETBACK = 30'
SIDE YARD SETBACK = 20'
REAR YARD SETBACK = 15'

LOT COVERAGE:

LOT AREA = 6,776 S.F.
HOUSE = 1,325 S.F.
GARAGE = 366 S.F.
DECK = 89 S.F.
PROPOSED DECK = 46 S.F.
PROPOSED ADDITION = 27.5 S.F.

EXISTING = 1,780 S.F. (26.2 %)
PROPOSED = 1,853.5 S.F. (27.35 %)

