

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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2018 FEB 15 AM

ZBA 2018-03

Petition of Peter Dalrymple
19 Cushing Road

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 Peter Dalrymple requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for demolition and reconstruction of an existing nonconforming garage on a larger footprint with less than required side yard and rear yard setbacks, at 19 Cushing Road, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet.

On December 29, 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.

Presenting the case at the hearing David Himmelberger, Esq., representing Peter Dalrymple, the Petitioner. Also present was John Clancy, Architect.

Mr. Himmelberger said that the request is for relief to raze and rebuild an existing two-car garage that will better accommodate vehicles. He said that the lot is nonconforming lot at 10,000 square feet in a district where 20,000 square feet is required. He said that the garage is a pre-existing nonconforming structure that was previously the subject of a special permit in 1993. He said that, at that time, the Board granted relief to raze a one car garage and build a two car garage with insufficient side and rear yard setbacks. He said that the Board ultimately concluded that it was a special permit, although it recognized that it was also susceptible to granting a variance because of the shape of the lot.

Mr. Himmelberger said that the proposed garage will be an improvement on what is there now. He said that Mr. Dalrymple has spoken with his neighbors at 21 Cushing Road, which is immediately to the left. He displayed a GIS map that shows the garage at 21 Cushing Road right on the property line. He said that this is an older area in Wellesley in which almost every other garage is right on the property line or very close thereto. He said that the neighbors at 20 and 18 Cushing Road have also expressed support for the project.

Mr. Himmelberger said that they believe that the special permit can be granted as the proposed alteration shall not be substantially more detrimental than the pre-existing nonconformity. He said that the Board wrestled with the issue in 1993 as to whether it should consider this to be a variance or a special permit. He said that they concluded then that either was appropriate. He said that they could seek modification of the special permit to allow this or request a variance due to the shape of the lot. The Chairman said that the Board will amend the special permit.

Mr. Clancy said that the existing garage is 21 feet. He said that you cannot get two cars in there. He said that when there are two cars in the garage, the doors cannot clearly swing open. He said that the additional width is to allow for two cars to pull in and for people to get out. Mr. Himmelberger said that the garage will have storage space on the second floor. Mr. Clancy said that the second floor area will be unfinished and there will be no plumbing. He said that there are bike racks at the back left corner.

Statement of Facts

The subject property is located at 19 Cushing Road, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet. The subject existing nonconforming garage has a minimum left side yard setback of 12.2 feet and a rear yard setback of 9 feet.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for demolition and reconstruction of an existing nonconforming garage on a larger footprint with less than required side yard and rear yard setbacks, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet.

A Plot Plan, dated 11/22/17, stamped by John R. Hamel, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 11/20/17 and 11/21/17, prepared by Albert Righter Tittmann Architects, and photographs were submitted.

On January 25, 2018, the Planning Board reviewed the petition and recommended that a 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 although demolition and reconstruction of an existing nonconforming garage on a larger footprint with less than required side yard and rear yard setbacks, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, amendment of Special Permit, ZBA 93-45, is granted, as voted unanimously by this Authority at the Public Hearing, for demolition and reconstruction of an existing nonconforming garage on a larger footprint with less than required side yard and rear yard setbacks, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, subject to the following conditions:

- There shall be no plumbing in the garage.

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.

ZBA 2018-03
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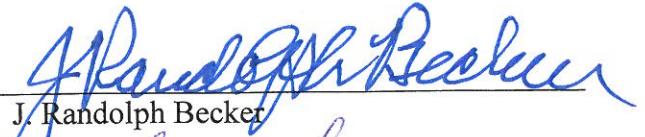
(2018 FEB 15 AM 11:12)

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

Richard L. Seegel, Chairman



J. Randolph Becker

J. Randolph Becker



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

SCALE 1" = 20'

0 10 20 40 60 80

SITE PLAN

19 CUSHING ROAD

WELLESLEY, MASSACHUSETTS

1 INCH = 20 FEET NOVEMBER 22, 2017

SNELLING & HAMEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & ENGINEERS
10 LEWIS STREET P.O. BOX 102
LINCOLN, MASSACHUSETTS 01773

(781) 259-0071

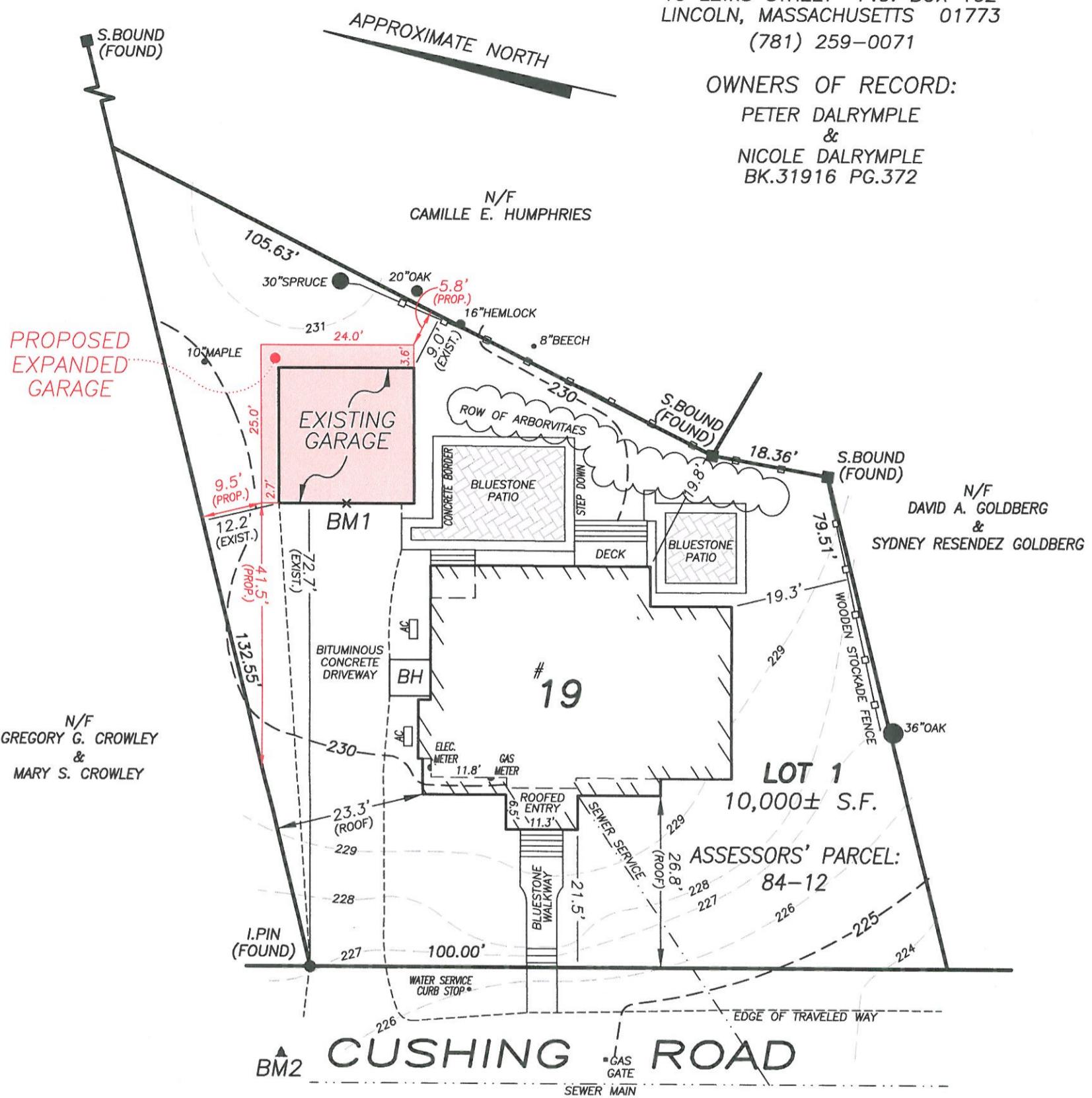
OWNERS OF RECORD:

PETER DALRYMPLE

&

NICOLE DALRYMPLE

BK.31916 PG.372



NOTES:

- ZONING DISTRICT: SINGLE RESIDENCE 20
- THE LOCATION OF THE SUBSURFACE UTILITIES SHOWN HEREON IS APPROXIMATE BASED ON FIELD OBSERVATION & INFORMATION PROVIDED BY THE WELLESLEY ENGINEERING DEPARTMENT
- BENCHMARKS ESTABLISHED FROM SEWER MANHOLE #324 IN FRONT OF HOUSE #21 CUSHING ROAD
- FIELD SURVEY WAS CONDUCTED WITH 10"± OF SNOW COVER
- EXISTING LOT COVERAGE = 2,222 SF OR 22.22% (INCLUDES DECK, BULKHEAD, & ENTRY)
- PROPOSED LOT COVERAGE = 2,366 SF OR 23.66% (INCLUDES DECK, BULKHEAD, & ENTRY)

BENCHMARKS: (TOWN OF WELLESLEY BASE)

BM1 - CONCRETE SLAB OF EXISTING GARAGE
ELEVATION = 230.77

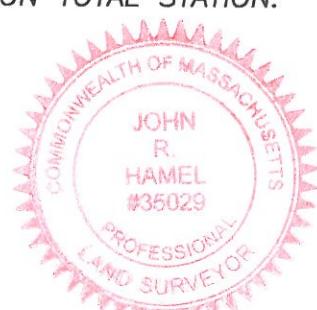
BM2 - SPIKE SET NEAR INTERSECTION OF
TRAVELED WAY AND DRIVEWAY
ELEVATION = 226.65

PLAN REFERENCES:

- PLAN IN BOOK 1099 PAGE 345
- PLAN IN BOOK 1095 PAGE 141
- PLAN IN BOOK 943 PAGE 452

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON
IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF FEBRUARY 9, 2016,
WITH THE USE OF A TOPCON TOTAL STATION.

JOHN R. HAMEL
PROFESSIONAL
LAND SURVEYOR



11-22-2017

DATE: