

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

2002 SEP 13 A 8:59

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ZBA 2002-78

Petition of Christopher F. Garvin and Elise Rodino
15 Harvard Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 29, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of CHRISTOPHER F. GARVIN AND ELISE RODINO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 21.8 foot by 45.5 foot addition with less than the required front setback from SUNSET ROAD, and less than the required left side yard setback, at their nonconforming dwelling with less than the required front setbacks from SUNSET ROAD and HARVARD STREET, and less than the required left side yard setback, at 15 HARVARD STREET in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 9, 2002, the petitioners 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 were Christopher Garvin and Elise Rodino. Mr. Garvin said they have two daughters, are expecting a third child and need more space. The addition would have a family room, breakfast room, laundry, bath and a two-car garage on the first floor and a master bedroom on the second. The existing garage would be demolished.

The Board noted that the closest dimension from Sunset Road is 23.9 feet, while the proposed addition would be 23.3 feet. The .8 foot encroachment can be dealt with by Special Permit, as the setback is currently nonconforming.

The Board stated that Plan A-3 states "front and back" elevations, but they are actually "side and back" elevations. The plan would have to be corrected and resubmitted.

The Board asked if the proposed garage would be large enough to actually hold two cars. Mr. Garvin said they have measured the cars, and they will fit. The Board complemented the petitioners on their effort to stay within the existing nonconformance as much as they have done on a very difficult lot, and to have kept the massing as low as possible.

The Board asked if the Curve Street neighbors were in support of the petition. Ms. Rodino said that all of the neighbors had been contacted and supported the petition.

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Lucille Weston, 10 Sunset Road, said she felt the addition would result in an improvement for the corner.

The Board noted that the Planning Board had no objections.

Statement of Facts

The subject structure is located at 15 Harvard Street, in a 10,000 square foot Single Residence District, on a 9,272 square foot, and has a minimum front setback of 25 feet from Harvard Street, 23.9 feet from Sunset Road and a minimum left side yard clearance of 13.2 feet. A portion of the lot also fronts on Curve Street.

elg The petitioners are requesting a Special Permit/Finding that the construction of a two-story 21.8 foot by 45.5 foot addition, with a minimum front setback of 23.1 feet from Sunset Road, and a minimum left side yard setback of 13.4 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated March 27, 2002, revised August 2, 2002, stamped by Frank Iebba, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated July 24, 2002, prepared by Streibert Associates; and photographs were submitted.

On August 13, 2002, the Planning Board reviewed the petition and had no objection to the granting of the Special Permit.

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 finding of this Authority that the proposed construction of the 45.5 foot by 21.8 foot two-story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure for, although it will intensify the existing nonconformance and create new nonconformity of .8 feet in regard to the front setback from Sunset Road, the lot is bounded by three streets and has an unusual shape on which the petitioners have configured an addition in which the new nonconformity is de minimis and the massing has been carefully designed. AG -

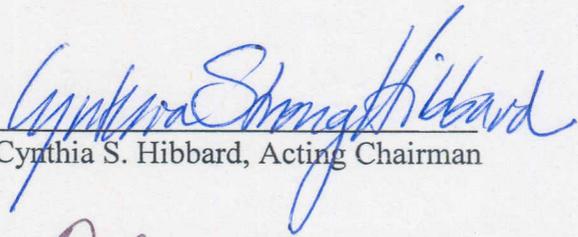
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct the two-story addition in accordance with the plot plan and the latest revision of the construction plans, subject to the condition that a revision of Plan A-3 as to the correct elevations shown shall be submitted to the office of the Board of Appeals prior to the issuance of a building permit.

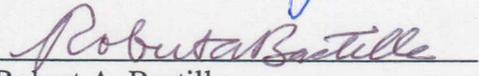
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application, detailed construction plans, and compliance with the aforesaid condition.

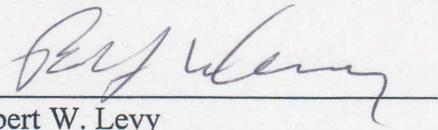
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg


Cynthia S. Hibbard, Acting Chairman


Robert A. Bastille

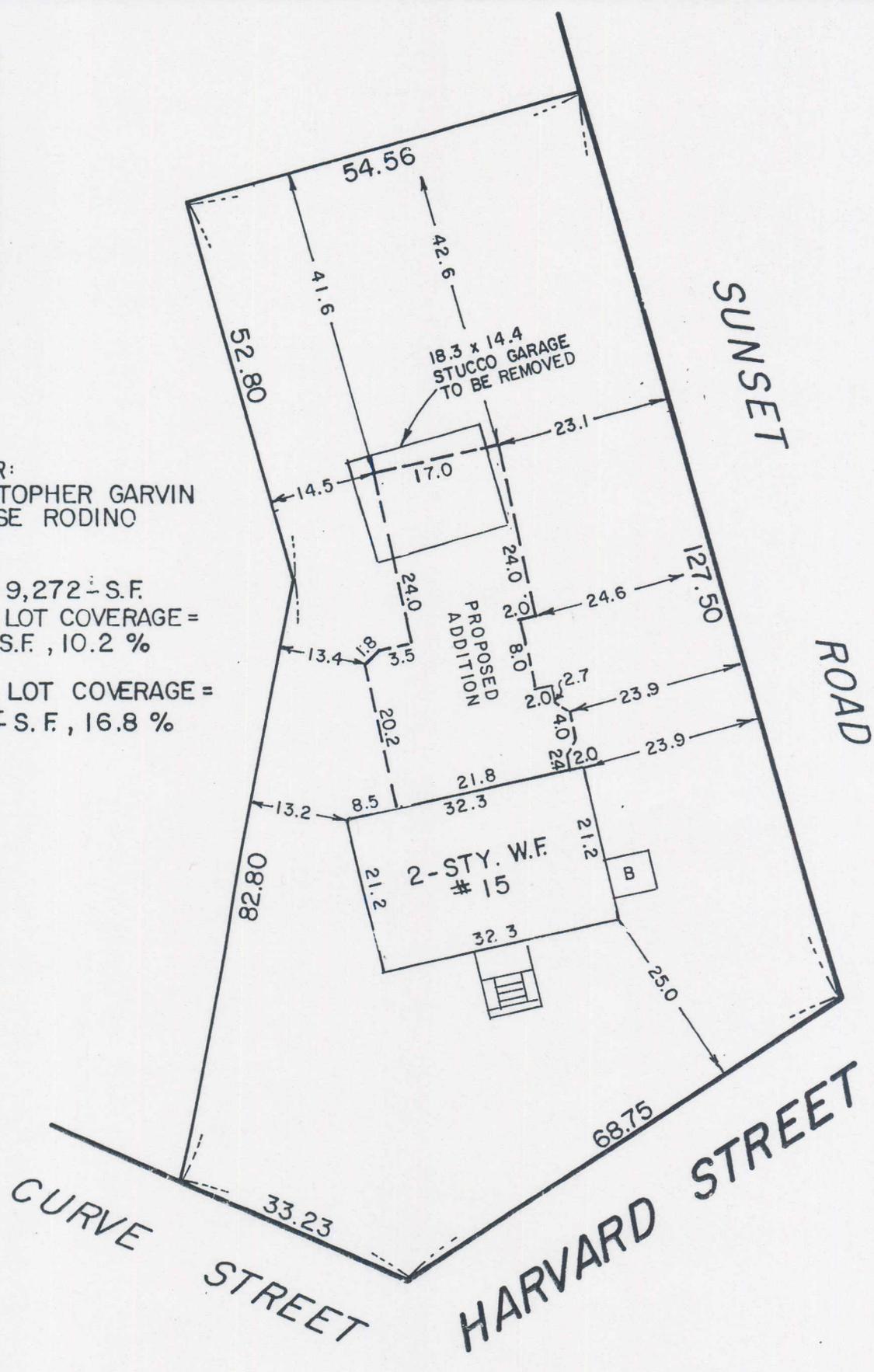

Robert W. Levy

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OWNER:
CHRISTOPHER GARVIN
& ELISE RODINO

AREA = 9,272 ± S.F.
EXIST. LOT COVERAGE =
950 ± S.F., 10.2 %

PROP. LOT COVERAGE =
1555 ± S.F., 16.8 %



617-968-3975
781-553-0299

PLAN OF LAND
IN

WELLESLEY, MASS.

SCALE: 1" = 20'
MASS BAY SURVEY, INC.

MARCH 27, 2002
NEWTON, MASS.
REVISED = AUG. 2, 2002