



ZONING BOARD OF APPEALS

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

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ZBA 2003-3
 Petition of Peter and Alexia Monsen
 15 Oakencroft Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 16, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of PETER AND ALEXIA MONSEN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required left and right side yard setbacks at 15 OAKENCROFT ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of an existing deck and construction of a two-story 32.5 foot by 12 foot addition at the rear of the dwelling with less than the required left and right side yard setbacks.
2. Raising the ridge line of the roof 5 feet above the entire 28 foot by 32.5 foot first story to construction a second story addition of the same dimensions with less than the required left and right side yard setbacks.
3. A one-story 17 foot by 5.1 foot deck at the front of the dwelling with less than the required right side yard setback.

On December 23, 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 Peter and Alexia Monsen. Mr. Monsen said they are not increasing the nonconformity, but are building toward the back and adding a second floor.

The Board noted that the Planning Board opposed the granting of the request as the addition would increase the nonconforming nature of the property, and the side-facing garage would violate the recently adopted 30 foot garage entrance rule.

The Board further noted that the proposed deck would be 15.7 feet from the right side line, while the house is 15.8 feet from the line; and that the proposed rear addition would be 15 feet from the left side line, while the house is 15.2 feet from that line. The Board decided that the encroachment on both sides was de minimus, and did not require a variance. Mr. Monsen said they are simply extending the existing line of the house on both sides. The house is not exactly parallel to the lot lines.

The Board questioned the side-entrance garage. Mr. Monsen said there is an existing one-car garage with a side entrance, and they planned to add a second bay. The Board stated that the garage could be expanded, if it were not used for the storage of a vehicle, and that the restriction on the use of the second

ZBA 2003-3
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15 Oakencroft Road

bay would be a condition of the decision. A new left side elevation showing that the door entering the new garage bay would have a width less than that required for a vehicle to enter was requested.

The Board commented that the submitted existing front elevation does not show a door, and requested submission of a new existing front elevation.

The Board stated that on the proposed floor plan, the porch is even with the side of the house, but on the plot plan, it extends closer to the right side line. Mr. Monsen said the porch would not extend beyond the house on the right side. The Board requested a revised plot plan showing that the setback of the porch from the right side lot line would be the same as the setback of the existing house at the right front corner.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 15 Oakencroft Road, in a 10,000 square foot Single Residence District, on a 10,044 square foot lot, and has a minimum right side yard setback of 15.8 feet and a minimum left side yard setback of 15.2 feet.

The petitioners are requesting a Special Permit/Finding that the following construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of a deck and construction of a two-story 32.5 foot by 12 foot addition at the rear of the dwelling, which would have a minimum right side yard clearance of 16.4 feet and a minimum left side yard clearance of 15.0 feet.
2. Raising the ridge line of the roof 5 feet above the entire 28 foot by 32.5 foot first story to construct a second story addition with the same dimensions with a minimum right side yard clearance of 15.8 feet and a minimum left side yard clearance of 15.2 feet.
3. A one-story 17 foot by 5.1 foot deck at the front of the building with a minimum right side yard clearance of 15.7 to be revised to 15.8.

A Plot Plan dated December 16, 2002, stamped by George C. Collins, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 11/25/02, prepared by Sirois Designs; and photographs were submitted.

On January 7, 2003, the Planning Board reviewed the petition and opposed the granting of the request, as the addition would increase the nonconforming nature of the property, and the side-facing garage would violate the recently adopted 30 foot garage entrance rule.

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.

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ZBA 2003-3
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15 Oakencroft Road

This Authority finds that the proposed construction detailed in the Statement of Facts shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure for although the proposed addition will create an additional .2 foot encroachment on the left side lot line and .1 foot encroachment on the right side lot line, the new porch and rear addition extend the existing lines of the house, which is not parallel to either side line at all points, and shall not intensify the existing nonconformance.

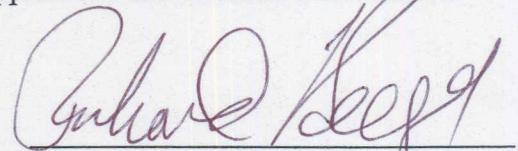
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing deck and construction of the two-story 32.5 foot by 12 foot addition at the rear of the dwelling; the second story 28 foot by 32.5 foot addition; and the one-story 17 foot by 5.1 foot deck at the front of the dwelling subject to the following conditions to be met prior to the issuance of a Building Permit:

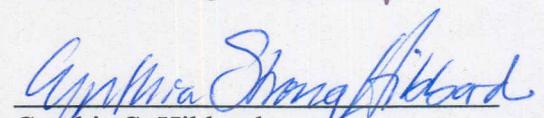
1. Submission of a revised existing front elevation showing the location of the front door.
2. Submission of a revised proposed left side elevation showing a door with a width incapable of allowing entrance of an automobile.
3. Submission of a revised plot plan showing the setback of the front deck to be 15.8 feet from the right side lot line.
4. The proposed second garage bay shall never be used for storage of an automobile.

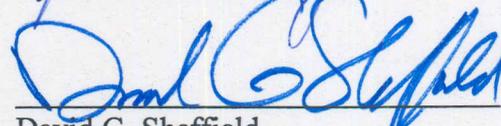
Subsequent to compliance with conditions 1-3, the Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

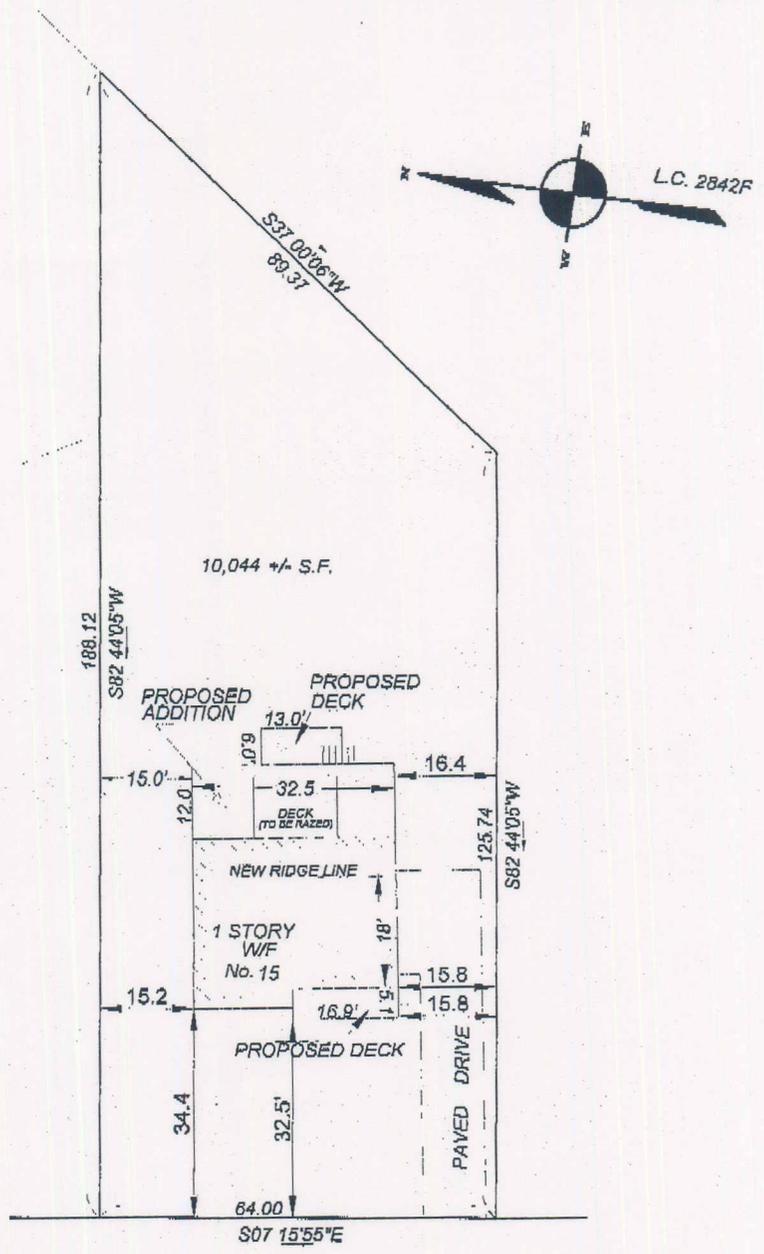
Cc: Planning Board
Inspector of Buildings


Richard L. Seegel, Chairman


Cynthia S. Hibbard


David G. Sheffield

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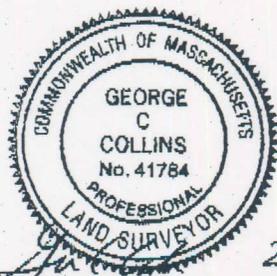
I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND AND THE STRUCTURES ARE LOCATED AS SHOWN HEREON.

OAKENCROFT ROAD

REFERENCES:

DEED: BOOK 751 ;PAGE 158
 PLAN: L.C. PLAN # 5003G

EXISTING LOT COVERAGE = 10.0%
 PROPOSED LOT COVERAGE = 14.1%



2-26-07

CERTIFIED PLOT PLAN	
LOCATED AT 15 OAKENCROFT ROAD WELLESLEY, MA.	
PREPARED FOR: PETER MONSEN 15 OAKENCROFT ROAD WELLESLEY, MA.	
SCALE: 1 INCH = 30 FEET	DATE: DEC. 16, 2002
DATE: FEB. 26, 2003	
	BOSTON SURVEY, INC. UNIT C-4 SHIPWAYS PLACE CHARLESTOWN, MA 02128 (617)242-1313 JOB # 02-00379