



## ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN  
 CYNTHIA S. HIBBARD, VICE CHAIRMAN  
 DAVID G. SHEFFIELD

ELLEN D. GORDON  
 EXECUTIVE SECRETARY  
 TELEPHONE  
 (781) 431-1019 EXT. 208

ROBERT A. BASTILLE  
 J. RANDOLPH BECKER  
 ROBERT W. LEVY

RECEIVED  
 TOWN CLERK'S OFFICE  
 WELLESLEY MA 02482  
 FEB - 3 1 A 9 03

ZBA 2003-5  
 Petition of Charles E. Kraus  
8 Lawrence 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 CHARLES E. KRAUS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at his nonconforming dwelling with less than the required front and right side yard setbacks at 8 LAWRENCE 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 the existing enclosed front porch and construction of a 6.5 foot by 8.64 foot one-story roofed landing with less than the required front setback.
2. Construction of a two-story 15.5 foot by 6.5 foot addition with a 1.33 foot by 10.33 foot bay window with less than the required front setback.
3. Raising the ridgeline of the roof above the existing nonconforming 24.14 foot by 24.02 foot dwelling to add a four gabled second story addition and rear balcony with less than the required right side yard setback.

A variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw is requested for the following construction:

1. Demolition of existing detached garage and construction of a 1.5 story 15.25 foot by 25.34 foot attached garage with less than the required right side yard setback.
2. An 8 foot by 26.9 foot deck with less than the required right side and rear yard setbacks.

On December 23, 2002, 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 was Charles Kraus, who said that the legal advertisement had not included the request for the second story addition, which would have four gables, one on each side of the house. The roof peak would be less than 36 feet high.

The Executive Secretary stated that she inadvertently had missed adding that section of the legal advertisement.

The Board noted that the Planning Board had no objection to the various projects, with the exception of the new attached garage and deck.

The Board questioned the need for a variance for the deck rather than a Special Permit, as the existing dwelling is 18.7 feet from the right side line, while the proposed deck would be 19.1 feet from the line.

ZBA 2003-5  
Petition of Charles E. Kraus  
8 Lawrence Road

The Board agreed that Dorset Lane is not a public way but a right-of-way, so the required setback would be 10 feet rather than 30 feet, and that as the deck would be 19.8 feet from the rear lot line, the request for the deck would be treated as a Special Permit, rather than a variance.

Mr. Kraus said that the new attached garage would be less nonconforming than the existing detached garage. The Board stated that the setback of the existing garage, which would be demolished, could not be used as a presiding setback from which to measure the attached garage. The existing garage could remain, if there is no conflict with the deck, but once it is demolished, the setback could not be used for siting the new garage. The size of the lot is not grounds for a variance.

Mr. Kraus said they had explored the possibility for locating the garage on the left side of the house, but the topography is such that the slope would require cutting into the hill.

Rhonda Mar, 19 Willow Road, expressed enthusiastic support for the petition.

The Board stated that all of the project components were reasonable with the exception of the garage, and suggested that Mr. Kraus withdraw without prejudice the garage portion of the petition. Mr. Kraus requested to withdraw the garage portion of the petition, and the Board voted unanimously to allow him to do so. The Board requested that a new plot plan without the garage addition be submitted.

The Board stated that in regard to the second story addition, Mr. Kraus would be at risk that an appeal could be filed on that part of the Special Permit due to the faulty legal advertisement. Mr. Kraus said that all the neighbors supported the petition, and he was willing to take the risk.

#### Statement of Facts

The subject property is located at 8 Lawrence Road, on a 6,202 square foot lot, in a 10,000 square foot Single Residence District, and has a minimum front setback of 23.7 feet and a minimum right side yard setback of 18.7 feet. The detached garage has a minimum right side yard setback of 2.4 feet and a minimum rear yard setback of 2.5 feet.

The petitioner is requesting a Special Permit/Finding that the following construction would not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of the existing enclosed front porch and construction of a 6.5 foot by 8.64 foot one-story roofed landing with a minimum front setback of 24.8 feet.
2. Construction of a two-story 15.5 foot by 6.5 foot addition with a 1.33 foot by 10.33 foot bay window with a minimum front setback of 24.2 feet.
3. Raising the ridgeline of the roof above the existing nonconforming 24.14 foot by 24.02 foot dwelling to add a four gabled second story addition and rear balcony with a minimum right side yard setback of 18.7 feet.
4. An 8 foot by 26.9 foot deck with a minimum right side yard setback of 19.7 feet. **This portion of the petition has been changed from a variance to a Special Permit request due to the revised interpretation of Dorset Lane as a right-of-way rather than a private way requiring a 30 foot setback.**

ZBA 2003-5  
Petition of Charles E. Kraus  
8 Lawrence Road

A variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw is requested for the following construction:

1. Demolition of existing detached garage and construction of a 1.5 story 15.25 foot by 25.34 foot attached garage with less than the required right side yard setback. **This portion of the petition has been withdrawn without prejudice.**

A Existing Plot Plan dated July 22, 2002 and a Proposed Plot Plan dated September 9, 2002, both stamped by Claudio Sala, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 12/17/02; and photographs were submitted.

On January 7, 2003, the Planning Board reviewed the petition and had no objection to the roofed landing and the two-story addition in the front of the house. The Board opposed the granting of the attached garage and rear deck as a variance would be required, and the variance prerequisites are not mentioned, nor do they seem to be present.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

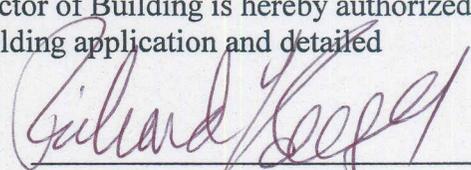
It is the finding of this Authority that the proposed demolition of the existing enclosed porch and construction of the roofed landing; the construction of the two-story addition with bay window; the four-gabled second story addition and the deck shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as none of these projects intensify the existing nonconformance, nor do they create new nonconformity.

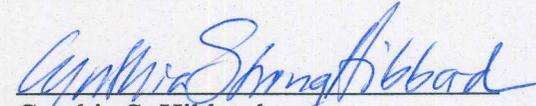
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the above referenced projects with the condition that prior to the issuance of a building permit, a plot plan showing the absence of the proposed garage addition be submitted to the office of the Board of Appeals.

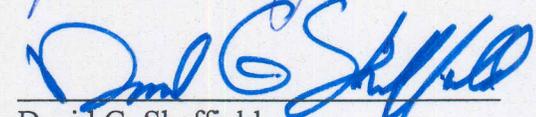
Subsequent to compliance with the aforesaid condition, the Inspector of Building is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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  
edg

  
Richard L. Seegel, Chairman

  
Cynthia S. Hibbard

  
David G. Sheffield

RECEIVED  
TOWN CLERK'S OFFICE  
WELLISSETT, MA 02482  
2003 FEB 11 A 9:04

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

2002 DEC 23 P 1:43



LAWRENCE

ROAD

Book John F. Mar  
10651, page 47

Orlando and Virginia B.  
Ortiz  
Book 5289, Page 466

S27°35'00"E

80.18'

CB/dh  
Fnd.

24.0'

23.7'

N46°55'55"E  
86.00'

24.2'

Existing Porch  
to be Razed  
#8

26.3'

N54°23'48"E  
84.41'

Existing  
Dwelling

18.7'

28.8'

Existing  
Garage  
to be Razed

LOT AREA =  
6,202 S.F.

CB/dh  
Fnd.

CB/dh  
Fnd.

2.9'

S26°59'49"E

69.00'

16' Right of Way  
(DORSET LANE)

20' Utility  
Esmt.

Right of Way

John W. Thomas  
Book 11577, Page 308

**PLOT PLAN  
8 LAWRENCE ROAD  
WELLESLEY, MASS.**

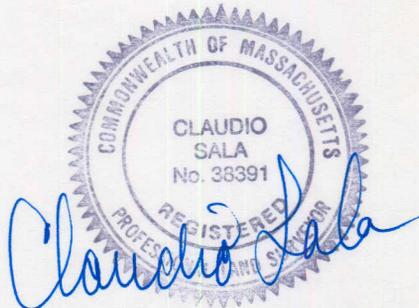
PREPARED BY:  
CLAUDIO SALA, P.L.S.  
REGISTERED LAND SURVEYOR  
145 WHITWELL STREET, QUINCY, MA 02169  
617-773-7707

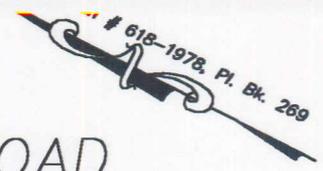
SCALE:  
1" = 20'

DATE:  
JULY 22, 2002

REVISIONS:

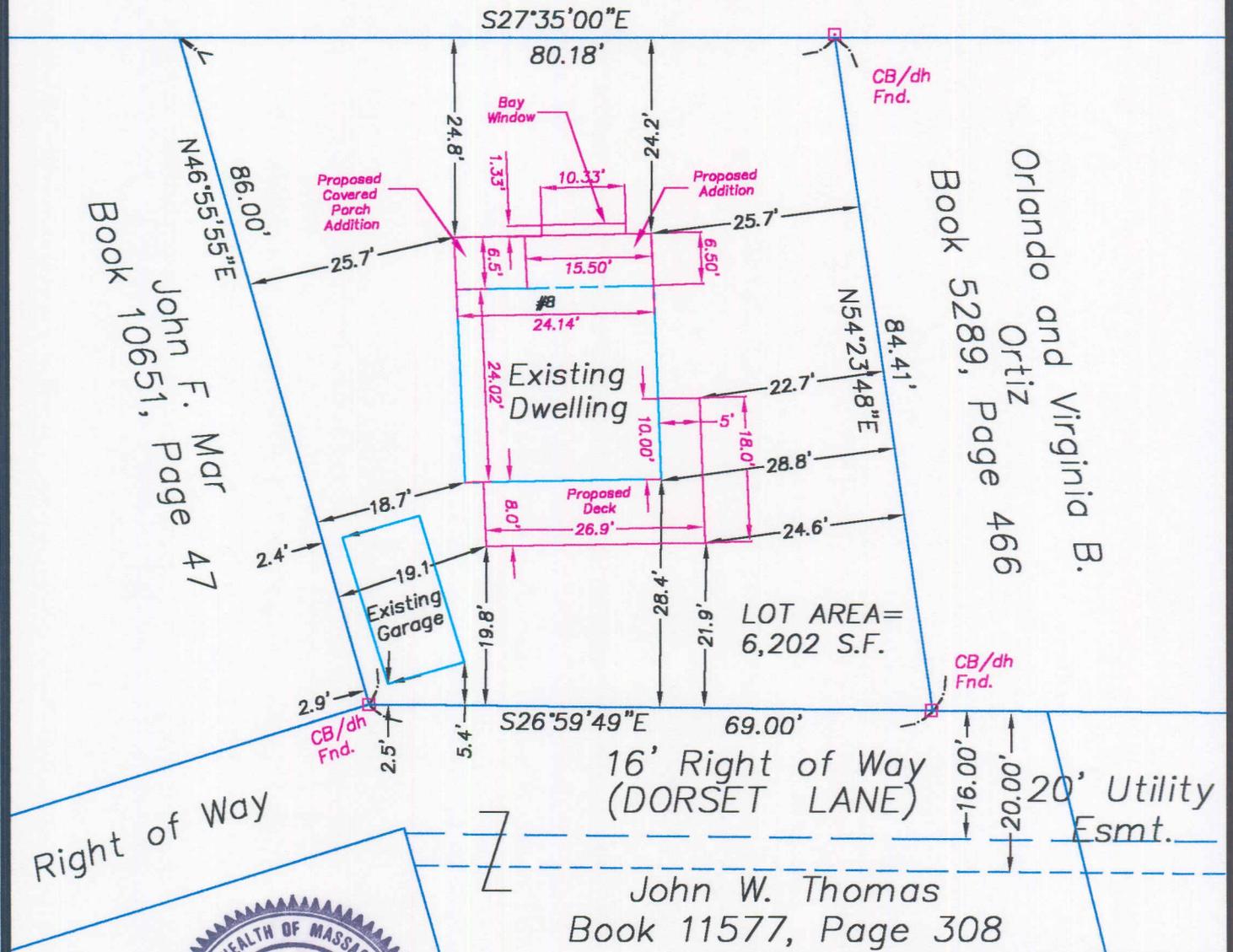
FILE # 10060





LAWRENCE

ROAD



**PROPOSED ADDITION PLAN  
8 LAWRENCE ROAD  
WELLESLEY, MASS.**

PREPARED BY:  
CLAUDIO SALA, P.L.S.  
REGISTERED LAND SURVEYOR  
145 WHITWELL STREET, QUINCY, MA 02169  
617-773-7707

SCALE: 1" = 20'	DATE: SEPTEMBER 9, 2002	REVISIONS: 1/22/03
--------------------	----------------------------	-----------------------

FILE # 10060



Notes:

1. Lot Coverage : Existing Structures = 14%
2. Lot Coverage : Proposed Structures = 17.6%