



ZONING BOARD OF APPEALS

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

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ROBERT A. BASTILLE
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ZBA 2003-74

Petition of Robert and Denise Stephenson
 8 Earle Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 18, 2003 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 ROBERT AND DENISE STEPHENSON 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 8 EARLE 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. Return of the 23.9 foot by 22 foot family room, with less than the required left side yard, to use as a two-car garage, and raising the ridgeline of said structure to accommodate a second story addition with the same dimensions.
2. Construction of a one-story 40 foot by 23 foot addition with an 18 foot by 23 foot second story above the left rear corner of the addition. The addition will have less than the required right side yard setback.

On August 19, 2003, 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 Robert and Denise Stephenson. Mr. Stephenson said they would like to replace the existing garage and build above it. The garage is nonconforming as it is only 13 feet from the left side. They would also like to build a one-story addition 18 feet from the right side. The existing house is 15 feet from the right side.

The Board was of the opinion that there were errors in the plot plan in regard to the proposed percentage of lot coverage and the proposed square footage of coverage, that a distance from the front bay window to the front lot line should be shown, and that the driveway and walk should be shown entirely rather than partially. The Board stated that a new plot plan with the aforesaid revisions would have to be submitted prior to the issuance of a building permit.

The Board noted the location of the proposed one-story addition with a left side yard setback of 22 feet and a right side yard setback of 18 feet, and asked why the addition had not be located in a conforming manner with a 20 foot setback from the right and left side lot lines.

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Aaron Socrat, project architect, said that the living room extends along the front right side of the house. A portion of the addition will be a bedroom behind the living room. They would like to have a doorway entering from the living room to the bedroom. If the addition is moved two feet to the left, there would not be sufficient space to do this. The existing house is 15 feet from the right side line, while the addition would be 18 feet, which is less of an encroachment. If it is moved 2 feet to the left, the inside flow of the house would be disturbed.

The Board asked if the shed would remain. Mr. Stephenson said they were willing to move it.

Anne McHale, 5 Martin Road, said her property abuts the Stephenson's property at the rear. Her only concern was the actual location of the rear property line. She believes that a part of the shed is actually on her property.

The Board stated that the location of the rear lot line does not have any bearing on the petition, but is an issue that the Board urges two parties to settle between themselves.

Statement of Facts

The subject property is located at 8 Earle Road in a 10,000 square foot Single Residence District, on a 10,171 square foot lot and has a minimum left side yard setback of 15 feet and a minimum right side yard setback of 15 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. Return of the 23.9 foot by 22 foot family room for use as a two-car garage, and raising the ridgeline above said structure to accommodate a second story addition with the same dimensions. The existing family room has a minimum left side yard setback of 15 feet.
2. Construction of a one-story 40 foot by 23 foot addition with an 18 foot by 23 foot second story above the left rear corner of the addition. The addition would have a minimum right side yard setback of 18 feet.

A Plot Plan dated August 13, 2003, stamped by Paul G. Josephson, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated August 8, 2003, prepared by Architectural Services; and photographs were submitted.

The Planning Board reviewed the petition and did not oppose the granting of the request.

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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It is the finding of this Authority that the proposed change of use from living space to garage space and the construction of a second story addition above said 23.9 foot by 22 foot garage with the same dimensions, as well as the construction of the one-story 40 foot by 23 foot addition with an 18 foot by 23 foot second story at the left rear corner, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, for although the additions shall intensify the existing nonconformance, they shall not create new nonconformity.

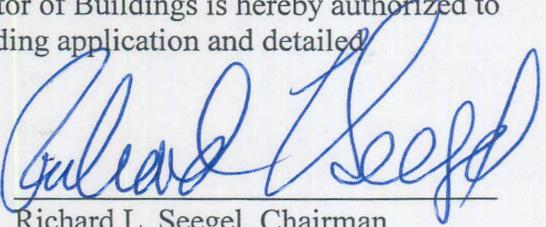
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the second story addition above the existing garage; for the construction of the one story addition of which the left rear portion will contain a second story in accordance with the submitted construction drawings, and subject to the following condition:

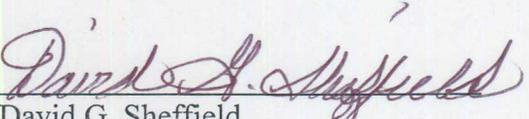
1. Prior to the issuance of any building permit, the petitioners shall submit a revised plot plan to the office of the Board of Appeals containing the following:
 - a. The existing and proposed percentage of lot coverage
 - b. The total square footage of the existing structure and the total square footage of the proposed structure.
 - c. The closest distance of the bay window to the front lot line.
 - d. The driveway and the walkway shall be shown in their entirety.

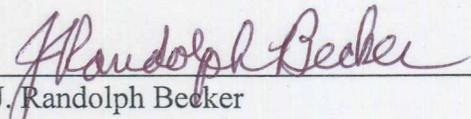
Subsequent to compliance with the aforesaid condition, the Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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
edg

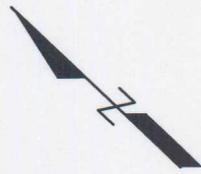
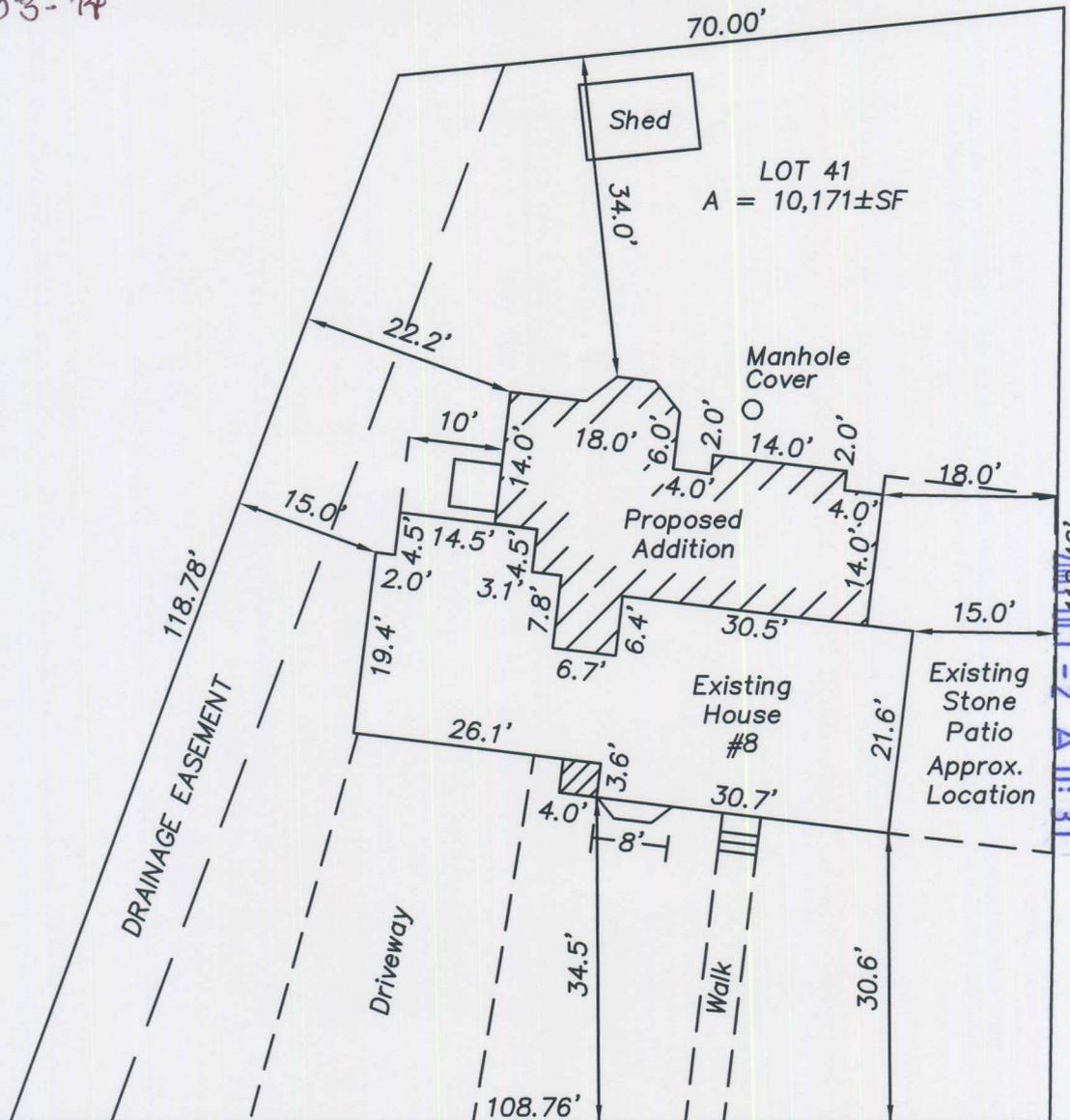

Richard L. Seegel, Chairman


David G. Sheffield


J. Randolph Becker

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EARLE ROAD

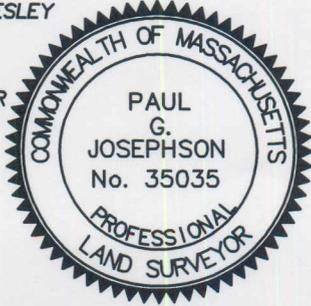
Existing Lot Coverage = 12% (1225 ±sf)
 Proposed Lot Coverage = 19% (1911 ±sf)
 Patio not included

ZONING DISTRICT SRD-10
 30' FRONT
 20' SIDE
 10' REAR

I HEREBY CERTIFY THAT THE BUILDING(S) SHOWN ON THIS PLAN ARE LOCATED ON THE GROUND AS SHOWN. PLAN REFERENCE 29 OF 1939

I ALSO CERTIFY THAT THE BUILDING(S) SHOWN HEREON DO NOT LIE WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA AS DEFINED ON THE F.E.M.A. FLOOD HAZARD BOUNDARY MAP FOR THE TOWN/CITY OF WELLESLEY, MASS.

THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY AND IS FOR PERMITTING PURPOSES ONLY. FURTHERMORE, IT IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, FENCES, PLANTINGS, ETC., OR THE CONSTRUCTION OF ADDITIONAL STRUCTURES ON THE LOT.



ZONING BOARD OF APPEALS
 PLOT PLAN
 IN
WELLESLEY, MASS.

Scale 1" = 20'

P.N. ASSOCIATES, INC.
 P.O. Box 693
 Framingham, Mass.

508-958-2914
 Fax 508-231-5281

Name

[Handwritten signature]

Date

9-15-03