

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-25

Petition of S. Robert Wolfe
196 Cedar Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 10, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of S. ROBERT WOLF requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing 36.3 foot by 49.3 foot nonconforming structure with less than required left side yard setback, construction of a 26 foot by 30 foot two story addition which will conform to all required setbacks, on a 13,708 square foot lot, in a district which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 22, 2005, 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 was Bob Wolfe, who said that the lot is in a 15,000 square foot district. The lot is undersized by approximately 9 percent.

Mr. Wolfe said that the existing structure is a 36 foot by 36 foot house that encroaches into the left setback by a few inches and into the right setback by approximately 1 foot. He does not intend to make a change to the foundation. He plans to add a 2-story addition and garage at the back of the existing house. This may require significant demolition of the existing house.

The Board said that the Planning Board had no objection to granting the request.

The Board asked if there would be a full 30 feet from the garage door entry to the side lot line. Mr. Wolfe said that there was.

Mr. Wolfe said that he had spoken with the neighbor, who approved of the plans.

The Board said that a full three stories are shown on the south elevation. The change in scale would be significant. Mr. Wolfe said that the design will be consistent with the new construction across the street.

Statement of Facts

The subject property is located at 196 Cedar Street, with a minimum left side yard setback of 19.3 feet, and a minimum right side yard setback of 18.8 feet, on a 13,708 square foot lot, in a district in which the minimum lot size is 15,000 square feet.

ZBA 2005-25
Petition of S. Robert Wolfe
196 Cedar Street

The petitioner is requesting a Special Permit/Finding that construction of a second story addition over an existing 36.3 foot by 49.3 foot nonconforming structure with a minimum left side yard setback of 19.3 feet, and construction of a 26 foot by 30 foot two story addition which will conform to all required setbacks, on a 13,708 square foot lot, in a district which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/18/05, stamped by James J. Abely, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 2/14/05, drawn by The MZO Groups, Inc., and photographs were submitted.

On February 28, 2005 the Planning Board reviewed the petition and had no objection to granting 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.

It is the finding of this Authority that, although construction of a second story addition over an existing 36.3 foot by 49.3 foot nonconforming structure with a minimum left side yard setback of 19.3 feet, and construction of a 26 foot by 30 foot two story addition which will conform to all required setbacks, on a 13,708 square foot lot, in a district which the minimum lot size is 15,000 square feet is increasing the nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition, construction of a second story addition over an existing 36.3 foot by 49.3 foot nonconforming structure, and construction of a 26 foot by 30 foot two story addition.

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.

ZBA 2005-25
Petition of S. Robert Wolfe
196 Cedar Street

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, Chairman

David G. Sheffield

Randy Becker

cc: Planning Board
Inspector of Buildings
lrm