

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-33

Petition of Christopher and Rebecca Georgenes
11 Cavanagh Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 14, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of CHRISTOPHER AND REBECCA GEORGENES requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition and reconstruction of an existing 8.5 foot by 10.4 foot porch with less than required right side yard setback, conversion of a 19.3 foot by 24 foot unfinished attic to living space with less than required left side and front yard setbacks, at their nonconforming dwelling with less than required left side yard, right side yard and front yard setbacks, at 11 CAVANAGH ROAD, on an 8,880 square foot lot, in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 30, 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 Rebecca Georgenes, who said that their builder, Ray Wiese, was also present.

Mr. Wiese said that there is a den on the side of the house that is finished. The architect who had drawn the plans had offered the option of putting a foundation below it. They are only planning to renovate the space by adding new windows, new footings, and re-insulate it. The house currently has four bedrooms. The second floor would be renovated so that three bedrooms would become two bedrooms. There would be two additional bedrooms added in the half story above.

The Board noted that the houses on Cavanagh Road have a similar character and seem to be of the same era.

The Board was concerned with raising the roof. That would make the structure the tallest on the street. The Board noted that the dormer would break up the mass.

The Board said that the existing roof is shown at 28 feet, 6 inches. The new roof would be at 33 feet, 6 inches. 36 feet is the maximum allowed. By adding a big gable, it is going to look like they are adding a floor. It will look substantially larger than the houses on either side.

The Board said that the proposed gable on the front of the house appears to have a much steeper pitch than what is currently there. That accentuates the added height.

The Board asked if there is enough headroom without raising the roof. Mr. Wiese said that there is not even standing room in the middle of the house. There are a few houses on the street that have steeper lines. Mr. Wiese said that they could change the design but it might look taller.

Ms. Georgenes said that one of the reasons that they chose Mr. Wiese as their builder was that he had done a couple of other homes on the street. They feel that he understands the character of the neighborhood and what is important to them.

Ms. Georgenes said that she had spoken with her neighbors about their plans and there were no objections.

The Board noted that the Planning Board reviewed the petition and had no objection to granting the request.

Statement of Facts

The subject property is located at 11 Cavanagh Road, on an 8,880 square foot lot, in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 29.5 feet, a minimum left side yard setback of 12.7 feet, and a minimum right side yard setback of 14 feet.

The petitioner is requesting a Special Permit/Finding that demolition and reconstruction of an existing 8.5 foot by 10.4 foot porch with a minimum right side yard setback of 14 feet, conversion of a 19.3 foot by 24 foot unfinished attic to living space with a minimum left side yard setback of 12.7 feet and a minimum front yard setback of 29.5 feet, on an 8,880 square foot lot, in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/14/05, stamped by Verne T. Porter, Jr., Registered Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 2/11/05, and photographs were submitted.

On April 5, 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 structures do not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that demolition and reconstruction of an existing 8.5 foot by 10.4 foot porch, conversion of a 19.3 foot by 24 foot unfinished attic to living space, on an 8,880 square foot lot, in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance nor will it create new nonconformity.

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.

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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.

Cynthia S. Hibbard, Acting Chairman

Robert A. Bastille

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm