

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2005-82
Petition of Peter and Virginia Solomon
8 Solon Street

Petition of PETER AND VIRGINIA SOLOMON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and XXV of the Zoning Bylaw that raising the ridgeline 2 feet 10 inches on an existing nonconforming structure with less than required left side, right side and front yard setbacks, on a 5,474 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 8 SOLON STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 17, 2005, 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 were Peter and Virginia Solomon, who said that they are requesting a special permit to raise the ridge height to make a more aesthetically pleasing slope with the dormers.

Mr. Solomon said that he had signatures from all of the abutting neighbors supporting the project.

The Board said that the dimensions from the dormers to the lot lines were not shown. Ms. Solomon said that the dormers will sit directly on the walls. She said that they have a substantial roof overhang.

The Board said that there is a house on Middlesex Street that has the same configuration as the proposed structure. Ms. Solomon said that roof has a flat pitch that they are looking to avoid.

Mr. Solomon said that the Building Inspector told him that the dormers could be built without a special permit.

Statement of Facts

The subject property is located at 8 Solon Street, on a 5,474 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 11.4 feet, a minimum right side yard setback of 6.1 feet, a minimum front yard setback of 15.4 feet, and a minimum frontage and front yard width of 55 feet.

ZBA 2005-82
Petition of Peter and Virginia Solomon
8 Solon Street

The petitioner is requesting a Special Permit/Finding that raising the ridgeline 2 feet 10 inches on an existing nonconforming structure with a minimum left side yard setback of 11.4 feet and a minimum right side yard setback of 19.3 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 10/11/05, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, drawn by Mills Whitaker Architects LLC, and photographs were submitted.

On October 25, 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 raising the ridgeline 2 feet 10 inches is increasing a 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 raising the ridgeline 2 feet 10 inches.

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 2005-82
Petition of Peter and Virginia Solomon
8 Solon 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

J. Randolph Becker

cc: Planning Board
Inspector of Buildings
lrm