

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2006-17

Petition of Samuel and Jennifer Frank  
27 Chesterton Road

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Petition of SAMUEL AND JENNIFER FRANK requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 5 foot by 11.7 foot addition with less than required front yard setback, construction of an 11.6 foot by 28.5 foot addition and construction of a 23.3 foot by 33.5 foot second story addition, with less than required left side and front yard setbacks, at 27 CHESTERTON ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 24, 2006, 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 Sam and Jen Frank, who said that they just had a third child and are looking to put in a fourth bedroom. Ms. Frank said that they are staying within the nonconforming nature of the house.

The Board asked if the Franks would be keeping the shed at the back. Ms. Frank said that they planned to keep it. The Board said that the plot plan lists the size of the shed at 104 square feet. Ms. Frank said that having the shed is not as important to them as having the addition.

The Board said that the yard is crowded where the shed is. Ms. Frank said that they put a fence in there so the neighbor would not have to look at it. She said that they use the other part of their yard. Mr. Frank said that they could cut out a chunk of the shed because they will use the garage.

The Board asked if the Franks disagree with the 104 square feet that the surveyor has shown on the plans. Ms. Frank said that they bought a 9 x 11 shed and had someone install it. She said that she has never actually measured it.

The Board asked if there is a foundation for the shed. Ms. Frank said that there is a cinder block foundation.

The Board said that the threshold for the bylaw for sheds in the setback is 100 square feet. Because it is a corner lot, this would be considered a side yard and the setback would have to be 20 feet.

ZBA 2006-17  
Petition of Samuel and Jennifer Frank  
27 Chesterton Road

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The Board asked if it will be a one-car garage. Ms. Frank said that it will be an oversized one-car garage. She said that the goal was to get the bedroom upstairs.

The Board said that the plans show a 16 foot garage door and that a 12 foot garage door would help to maintain the scale of the house. Ms. Frank said that they had decided on a 12 foot garage with the architect. The Board said that the 12 foot door is not shown on the plan. Ms. Frank said that she wanted a door that was wide enough for her to pull her car into the center of the garage. She said that they can install a 12 foot garage door.

The Board asked if the peak of the garage is lower than the peak of the house. There is a note on the plan that says, "Match existing ridge."

One of the Board Members commented that it will be an extension of the current ridgeline. It creates a different situation geometrically. The end elevation is skewed.

The Board said that the Franks will be coming closer to their neighbor on the left. There is currently a one-story garage there. Ms. Frank said that they have talked to their neighbor about their plans. She said that the neighbor did not have any problem with them.

No other person present had any comment on the petition.

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

#### Statement of Facts

The subject property is located at 27 Chesterton Road, in a 10,000 Single Residence District, on a corner lot with a minimum left side yard setback of 14.8 feet and a minimum front yard setback of 28.5 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 5 foot by 11.7 foot addition with a minimum front yard setback of 28 feet 7 ½ inches, construction of an 11.6 foot by 28.5 foot addition and construction of a 23.3 foot by 33.5 foot second story addition with a minimum front yard setback of 29 feet 11 ½ inches and a minimum left side yard setback of 14.8 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/26/06, stamped by James P. Troupes, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, drawn by Berg/Howland Associates, and photographs were submitted.

On February 28, 2006, the Planning Board reviewed the petition and had no objection to granting the request.

ZBA 2006-17  
Petition of Samuel and Jennifer Frank  
27 Chesterton Road

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### 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 5 foot by 11.7 foot addition with less than required front yard setback, construction of an 11.6 foot by 28.5 foot addition and construction of a 23.3 foot by 33.5 foot second story addition with less than required front yard setback and left side yard setbacks 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 construction of a 5 foot by 11.7 foot addition, construction of an 11.6 foot by 28.5 foot addition and construction of a 23.3 foot by 33.5 foot second story addition, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for reconstruction upon receipt and approval of a building application and detailed construction plans.

ZBA 2006-17  
Petition of Samuel and Jennifer Frank  
27 Chesterton Road

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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.

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Cynthia S. Hibbard, Acting Chairman

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David G. Sheffield

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm