

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A. BASTILLE
J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY

ZBA 2006-21

Petition of Donald and Andrea Giroux
20 Atwood Street

Petition of DONALD AND ANDREA GIROUX 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 8 ½ inch by 11 foot 10 inch one story addition with less than required left side yard setback, at 20 ATWOOD STREET, 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Presenting the case at the hearing was Andrea Giroux, who said that she had come before the Board last Fall and had withdrawn her petition. She said that she was surprised that her neighbor had objected to the petition.

Ms. Giroux said that her architect, Mark Howland, had advised against doing anything other than what he had suggested. She said she hired another architect who was not able to solve the problem.

Ms. Giroux said that they have a lot of get-togethers and there are six children in the house. She said that they have a kitchen/family room and a dining/living room area. She said she hired another architect whose only solution was the same as Mark Howland's.

Ms. Giroux said that any way that they bump out the dining area, they will have to get a Special Permit. She said that if they go out straight as opposed to sideways, they will create an alley because of the a pool in the backyard. She there would be an 8 by 15 foot area that would be useless space. They would also have to redo the patio which would be costly.

Ms. Giroux said that they have contacted the neighbors. She said that the neighbors are not particularly opposed to the new addition but they are very upset about the circular drive that the Giroux's had installed.

Ms. Giroux said that the new addition is not going to change the view from the street or from the neighbor's view. She said that there is a six foot stockade fence between them. She said that there will be a flat roof and the neighbors would only see about a one foot change.

The Board said that it cannot assume that the fence will be there permanently. Ms. Giroux said that there is a pool in the backyard and that some sort of fence would have to be maintained.

ZBA 2006-21
Petition of Donald and Andrea Giroux
20 Atwood Street

The Board said that the neighbors sent a letter. Ms. Giroux said that she has seen it.

The Board asked about the curb cut issue that had come up at the previous hearing. Ms. Giroux said that has been taken care. She said that acquisition of the curb cut permits by the contractor were included in the contract when the driveway was installed.

The Board said that the addition would not be visible from the front. The Board said that it was disappointed that no effort was made to change the design since the last hearing. The Board said that the petitioners should have made an effort to do something that was less detrimental.

Ms. Giroux said that she had put the design in front of two different architects. She said that she had spent a lot more money since she first came before the Board. She said that both architects thought that expanding the living/dining room back would create a tunnel effect. She said that the room would be dark and too wide. Ms. Giroux said that she feels that she has made an effort.

Ms. Giroux said that she does not want to extend back because of the way the house will look and the additional costs. She said the expansion is limited in one direction because of a supporting wall.

The Board said that the issue before had been that they are 6.5 feet from the lot line and that is very close. The petitioners are asking to fill in the nonconformity to the same 6.5 feet. Emphasis on the detriment to the interior space does not override the Board's mission to try to preserve space between buildings. The Board said that to not move to the southwest as far could be considered not more detrimental to the neighborhood.

Ms. Giroux said that she had withdrawn her original request because she did not realize that the neighbors had a problem with it. She said that she was hoping that she could fix the problem with them. She did not realize that the Board had concerns with the setback issue.

The Board said that it is looking for something that is not as close to the property line.

Ms. Giroux said that the fence is four feet inside the property line and she could move that. She said that it is close to the house. She said that the property line is on the other side of the trees. She said that they moved the fence when they bought the house. It had been right up against the house. She said that she believes the neighbors thought that was the property line. She said that they had a survey done when they renovated the home.

Ms. Giroux said that one of the issues with the fence is that the neighbor's garage is at the property line. She said that the neighbors were concerned when they saw the fence moved 1.5 feet from the house. She said that the neighbors thought that the circular drive was about 6 or 7 seven feet onto their property.

The Board read a letter from the neighbors at 18 Atwood Street.

ZBA 2006-21
Petition of Donald and Andrea Giroux
20 Atwood Street

Julie Mallatt, 17 Atwood Street, said that they have lived there for 12 years. She said that since the Giroux's purchased the house, they have enhanced the value of the house and the neighborhood.

Dulcey Connon, 19 Atwood Street, said that they have lived on the street less than a year. She said that they bought their house thinking that it was a great neighborhood. She said that the Giroux's home is beautifully kept up and she feels that the addition will increase the value.

Lydia Barrett, 22 Atwood Street, said that she has lived on the street for about 19 years. She said that the Giroux's have done a great job in renovating the house.

Ms. Giroux said that she showed the house to the neighbors during a block party and they were enthusiastic about the plans.

The Board said that pulling the addition back by one foot would help in finding that the addition would not be more detrimental to the neighborhood.

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

Statement of Facts

The subject property is located at 20 Atwood Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 6.5 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 5 foot 8 ½ inch by 11 foot 10 inch one story addition with less than required left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/23/02, stamped by John S. Keefe, 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.

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 8 ½ inch by 11 foot 10 inch one story addition is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2006-21
Petition of Donald and Andrea Giroux
20 Atwood Street

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 5 foot 8 ½ inch by 11 foot 10 inch one story addition subject to the following condition:

1. That the addition come no closer than 7.5 feet from the left side lot line.

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 2006-21
Petition of Donald and Andrea Giroux
20 Atwood 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.

Cynthia S. Hibbard, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm