

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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AMENDED AND RESTATED DECISION

ZBA 2006-29

Petition of Derek Redgate
30 Woodlawn Avenue

Petition of DEREK REDGATE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 820 square foot two-story addition with less than required left side and right side yard setbacks, at 30 WOODLAWN AVENUE, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 22, 2006, 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 were Derek Redgate and Tim Burke, Architect. Mr. Redgate said that he has been the homeowner for just under two years. He said that in that time the family has expanded by one person. He said that the three bedroom colonial was built in 1928. He said that he has 70 feet of frontage. He said that the house is approximately 40 feet in length. He said that the houses on either side are also 10 feet from their property lines.

Mr. Redgate said that his architect has worked diligently to come up with a design to fit their needs. He said that they are proposing a two-story addition with a new family room and a new master suite.

Mr. Redgate said that the neighbors on both sides have reviewed the plans and have no objections.

Tim Burke, 65 Mt. Vernon Street, Boston, displayed the existing site plan. He said that one thing that was not included in the submittal package was a scheme for an addition that would meet the Zoning requirements. He said that the neighbors were not happy about the length of it. He said that the current proposal seems better architecturally.

Mr. Burke displayed photosimulations of the house and the proposed addition. He said that the street view would not change much. He said that they have set back a one story mudroom on the driveway side. He said that they have kept the scale low at the back.

The Board said that a revised plot plan properly prepared by a surveyor should be submitted showing existing and proposed setbacks, and all of the abutters.

Mr. Burke said that the proposed area is 15.1 feet from the side lot line, which is less nonconforming than the existing condition.

The Board said that the neighbor to the right as you face the house has a fairly deep extension. Mr. Redgate said that his proposed extension will not be as deep.

ZBA 2006-29
Petition of Derek Redgate
30 Woodlawn Avenue

The Board said that consistency with installation of shutters is an effective scaling device. There are no shutters shown on the south side of the house. Mr. Burke said that there are no existing shutters there but they could be added in easily.

The Board said that the existing house has a few windows in the attic area and that something should be added on the gable of the new addition to aid in scaling.

The Board said that there is no indication of the average height from grade to the gable. Mr. Redgate said that it will be 30 feet. The Board said that it should be shown on the plans.

Statement of Facts

The subject property is located at 30 Woodlawn Avenue, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 14 feet, a minimum right side yard setback of *13.0 feet, and a minimum front yard setback of 25.2 feet.

The petitioner is requesting a Special Permit/Finding that construction of an 820 square foot two-story addition with less than required left side and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/16/06, stamped by Michael Paul Antonino, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, prepared by Timothy burke Architecture, Inc., and photographs were submitted.

On March 30, 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 an 820 square foot two-story addition with less than required left side and right 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 an 820 square foot two-story addition, subject to the following conditions:

1. A plot plan properly prepared by a surveyor showing existing and proposed setbacks, and all of the abutters be submitted
2. Elevation drawings showing the proposed height to the ridgeline from average grade be submitted.

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.

* Change in dimension per certified plot plan, dated 3/16/06, stamped by Michael Paul Antonino, Registered Land Surveyor

ZBA 2006-29
Petition of Derek Redgate
30 Woodlawn Avenue

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

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm