

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2006-47

Petition of Kristen and Christopher Weiss  
20 Colburn Road

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Petition of KRISTEN and CHRISTOPHER WEISS, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 9 foot by 15 foot two-story addition with less than required left side yard setback, on a 10,148 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 20 COLBURN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 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 was Kristen Weiss, who said that they are requesting a Special Permit for a 9 foot by 15 foot addition to the back of the house. She said that the addition will not be visible from the street. She has discussed the plans with the neighbor who lives on the left hand side and the neighbor is supportive.

Ms. Weiss said that they would like to maximize the use of the house. It is an English Tudor that has a lot of small rooms. They would like to square off the back of the house.

There was no one present who wished to speak to the petition.

The Board said that the Planning Board had no objection to granting the request.

### Statement of Facts

The subject property is located at 20 Colburn Road, on a 10,148 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum right side yard setback of 5.7 feet, a minimum left side yard setback of 14.7 feet, and a minimum frontage of 55 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 9 foot by 15 foot two-story addition with a minimum left side yard setback of 17.2 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/7/06, revised 4/22/06 and 4/25/06, stamped by John J. Russell, Professional Land Surveyor, and Existing and Proposed Elevation Drawings and Construction Drawings, dated 4/13/06, prepared by La Vecchia Designs were submitted.

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On June 6, 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 9 foot by 15 foot two-story addition with a minimum left side yard setback of 17.2 feet 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 9 foot by 15 foot two-story, in accordance with the submitted plot plan and construction drawings.

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.

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Richard L. Seegel, Chairman

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J. Randolph Becker

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
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