

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-70

Petition of Susan and Jon Levine
5 Squirrel Road

Petition of SUSAN AND JOHN LEVINE (collectively the "Petitioner") requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage with less than required front and side yard setbacks, and construction of 13.5 foot by 14 foot two-story addition, construction of a 5 foot by 14 foot porch, and construction of a 22 foot by 23 foot garage with a second story above, with less than required front yard setbacks, on a 13,865 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 5 SQUIRREL ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 25, 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 Susan Levine, who said that they are asking for a Special Permit to build a two-car garage and mudroom attached to the existing house. She said that they currently have a one-car detached garage.

Ms. Levine said that the existing house does not meet front yard setback requirements. She said that the proposed garage will be set back one foot further from the front property line than the house and much further back from the front property line than the existing nonconforming garage.

The Board said that the land drops off sharply at the back. It did not look as if the addition could have been moved much further back.

The Board said that the house has a hip roof on all four sides. The proposed addition has a gabled roof.

Mr. Okerlund, said that he is the Levine's architect. He said that the existing hip roof on the house has a low pitch. He said that they needed a higher pitch to get space over the garage.

Statement of Facts

The subject property is located at 5 Squirrel Road, with a minimum front yard setback of 1 foot, and a minimum left side yard setback of 9 feet, on a 13,865 square foot lot in a district in which the minimum lot size is 20,000 feet.

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The petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming garage with less than required front and side yard setbacks, and construction of 13.5 foot by 14 foot two-story addition, construction of a 5 foot by 14 foot porch, and construction of a 22 foot by 23 foot garage with a second story above, with less than required front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/16/06, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/28/06, drawn by David S. Okerlund, and photographs were submitted.

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 demolition of an existing nonconforming garage with less than required front and side yard setbacks is decreasing a nonconformity.

It is the finding of this Authority that although construction of a 13.5 foot by 14 foot two-story addition, construction of a 5 foot by 14 foot porch, and construction of a 22 foot by 23 foot garage with a second story above, with less than required front 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 demolition of an existing nonconforming garage and construction of 13.5 foot by 14 foot two-story addition, construction of a 5 foot by 14 foot porch, and construction of a 22 foot by 23 foot garage with a second story above, with less than required front yard setbacks, 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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm