

**ZONING BOARD OF APPEALS**

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ZBA 2008-21

Petition of Joshua Tracey & Stephanie Sheps
27 Beechwood Terrace

Petition of JOSHUA TRACEY & STEPHANIE SHEPS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that reconstruction of a 12.3 foot by 20.1 foot existing nonconforming garage and construction of a second story over the garage with less than required right side yard setbacks, at 27 BEECHWOOD TERRACE, 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 26, 2007 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 Laurence Shind, Esquire, who said that he was representing the petitioner. He said that present with him were Mr. Tracey (the "Petitioner") and the project architect, Michael Hally.

Mr. Shind said that the existing garage is nonconforming with less than required side yard setback. He said that the setback at the closest point between the garage and the side lot line is 17.6 feet.

Mr. Shind said that the proposed addition will retain the current footprint of the garage. He said that careful consideration was given to the design and location of the proposed reconstruction. He said that the proposed construction will be consistent with the scale and design of other homes in the neighborhood.

Mr. Hally said that the house was originally a ranch. He said that about 10 years ago a second floor was constructed to add more space. He said that the first floor is still cramped. He said that the homeowners would like to make the downstairs more livable. He said that they tried to rework the second floor for a master bedroom. He said that there is a lot of wasted space on the second floor due to poor design. He said that pushing the master bedroom out over the garage was the best solution, as shown in Design A.

Mr. Hally displayed pictures of homes in the neighborhood. He said that there are many two-story structures in the neighborhood. He said that the house next door at 33 Beechwood Road has a similar design.

Mr. Hally said that the proposal is to put a small roofline over the face of the garage door to maintain the low roof look that the house currently has.

The Board said that Design A is a good one. Although it could use a few more windows, the design is in keeping with what is in the neighborhood.

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

Statement of Facts

The subject property is located at 27 Beechwood Terrace, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 17.6 feet.

The Petitioner is requesting a Special Permit/Finding that reconstruction of a 12.3 foot by 20.1 foot existing nonconforming garage and construction of a second story over the garage with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/19/08, stamped by Todd P. Chapin, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 2/22/08, drawn by Michael Hally Design, Inc., and photographs were submitted.

On April 7, 2008, 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 reconstruction of a 12.3 foot by 20.1 foot existing nonconforming garage and construction of a second story over the garage with less than required 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 reconstruction of a 12.3 foot by 20.1 foot existing nonconforming garage and construction of a second story over the garage, in accordance with the submitted plot plan and construction drawings, Design A.

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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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.

David G. Sheffield, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm