



ZONING BOARD OF APPEALS

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

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ZBA 2010-45
 Petition of Magee Builders
 38 Bay View Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, June 3, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of MAGEE BUILDERS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 6 foot by 14 foot one-story mudroom front entry with less than required left side yard setbacks, at 38 BAY VIEW ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 17, 2010, 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 Tom Hodge (the "homeowner"). He said that the proposal is to build a modest 6 foot by 14 foot one-story mudroom at the front entry so that the family does not track mud into the living room. He said that currently the front door goes directly into the living room.

The Board asked if the calculation of 1,538 feet of lot coverage that was shown on the plot plan includes the 84 square foot proposed addition. Mike Magee (the "Petitioner") said that it does. The Board said that the plot plan should show the lot coverage for the existing property and the lot coverage with the addition, in square feet and percent.

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 38 Bay View Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 7.4 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 6 foot by 14 foot one-story mudroom front entry with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated 5/6/10, stamped by Alphonse D. Daley, Professional Land Surveyor, existing and proposed floor plans and elevation drawings, dated 10/20/08, prepared by Alex Knox, AIA, and photographs were submitted.

On June 2, 2010, the Planning Board reviewed the petition and recommended that the request be approved with conditions.

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 opinion of this Authority that although construction of a 6 foot by 14 foot one-story mudroom front entry with less than required left 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 for construction of a 6 foot by 14 foot one-story mudroom front entry, subject to the following condition:

- A revised plot plan shall be submitted showing existing and proposed lot coverage expressed in square feet and percent.

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.

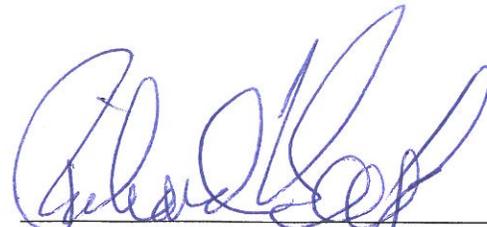
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

2010 JUN 10 10:00 AM
PLANNING BOARD
38 BAY VIEW ROAD
ANN ARBOR MI 48106

ZBA 2010-45
Petition of Magee Builders
38 Bay View Road

RECEIVED
TOWN CLERK'S OFFICE
MAY 17 2010

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


J. Randolph Becker


David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

CERTIFIED PLOT PLAN

PROPOSED ADDITION

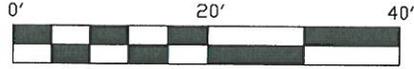
IN

WELLESLEY, MASS.

MIDDLESEX SURVEY INC. LAND SURVEYORS

131 PARK STREET NORTH READING, MA. 01864

SCALE: 1" = 20' DATE: MAY 6, 2010



$R = 241.30'$
 $L = 45.46'$ (CALC.)

33.66'

LOT 15A
11,950±sf
(CALC.)

175.90'

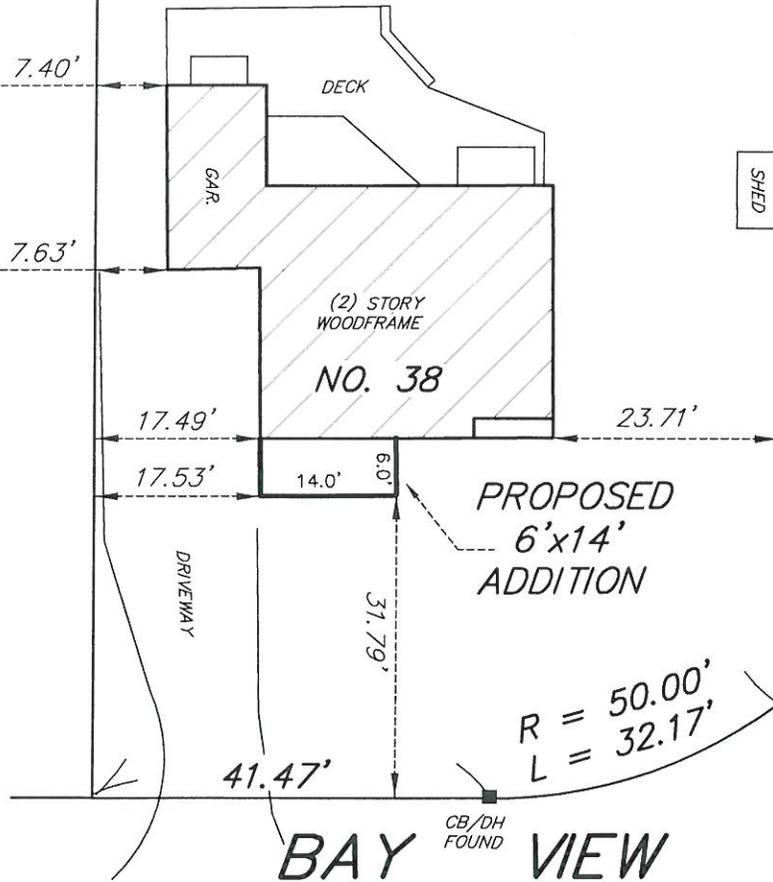
139.32'

ZONE; SR10
MIN. SETBACKS
30' STREET
20' SIDE
10' REAR

LOT CREATED JUNE 1941
BOOK 2334 PAGE 541

TOTAL COVERAGE EXISTING = 12%
TOTAL COVERAGE EXISTING = 1,454sf

TOTAL COVERAGE PROPOSED = 1%
TOTAL COVERAGE PROPOSED = 84sf



I CERTIFY THAT THE EXISTING DWELLING IS
LOCATED AS SHOWN.
DATE: 5/6/10

Registered Land Surveyor
REVISED: 6/9/10