



ZONING BOARD OF APPEALS

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

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ZBA 2011-17
 Petition of George Ebbs
 63 Forest Street

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 2011 MAY 19 P 3:45

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 5, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of GEORGE EBBS 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 12.4 foot by 19.3 foot garage and construction of a 24 foot by 26 foot garage with less than required left side yard setbacks and construction of an attached 10 foot by 20 foot storage area that will meet all setback requirements, at 63 FOREST STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 22, 2011 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 were George Ebbs (the "Petitioner") and Jeanette Thomson, Architect.

Mr. Ebbs said that the petition is for demolition an existing nonconforming garage and reconstruction on the same footprint with a six foot extension.

The Board said that it appears that the garage could be made to be conforming by connecting it to the house. The Board said that enlarging the garage on the footprint would increase its nonconformity. The Board said that it is a large lot and there is plenty of room to build a conforming garage.

Ms. Thomson said that the roofline of the house on the left side of the house is only one-story. She said that connecting the garage to the house would look out of proportion. She said that it would be difficult to attach it. She said that there are windows for a bedroom, master bathroom and walk-in closet along the left side of the house. Mr. Ebbs said that the cost of attaching the garage to the house was quite substantial.

The Board said that creating that much height and bulk could be considered to be substantially more detrimental. The Board said that the problem was exacerbated by turning the gable towards the lot line. The Board said that considerably doubled the flat wall in the side yard setback. The Board said that turning the gable would minimize the look of the encroachment.

The Board said that the garage could be moved away from the side lot line at least four feet closer to the house. Ms. Thomson said that doing that would create a three foot tunnel between the garage and the bedroom. The Board said plans should be submitted showing the affected portion of the house.

The Board said that the proposed expanded garage should not particularly affect the neighbor's view of the property because of the two fence lines between the properties.

The Board asked about sliding the garage back ten feet. Mr. Ebbs said that the back wall of the existing garage is cut into a ledge. He said that having a large amount of asphalt out front is not desirable.

Agnes Ebbs, 63 Forest Street, said that the original intention was to attach the garage to the house. She said that the windows in the master wing are along the wall that faces the side of the garage. She said that the hill goes way up in the back of the property. She said that would have to be dug out to push the garage back. She said that a shed sits 12 feet up. She said that digging the hill out may not be attractive to the neighbors. She said that a long asphalt drive could be unsightly. She said that they thought that having the gable not face the street was less imposing.

The Board said that when a nonconforming structure is removed and replaced with a new structure, the Board encourages improvement to the Zoning situation.

The Board asked about moving the garage forward. Ms. Thomson said that would encroach further in the side setback. Mr. Ebbs said that would require a major re-work of that whole side of the house. Ms. Thomson said that typically when a garage is attached to a house there is a door that leads to somewhere practical. She said that in this case the door would lead to a master bedroom, bath or walk-in closet.

The Board asked about the width of the proposed garage. Ms. Thomson said that it will be 24 feet wide.

The Board said that if the storage building at the back was built, there should not be storage on a second floor of the garage. The Board said that the roof could be lowered and the gable could be turned.

Ms. Thomson said that over the bedroom is a 9 pitch roof. She said that the 12 x 12 pitch was used to line up a beam. She said that could be reduced.

The Board said that the petition would be continued to May 5, 2011, so that the Petitioner had time to rework the plans. The Board voted unanimously to continue the petition.

May 5, 2011

Presenting the case at the hearing were George Ebbs and Jeanette Thomson, Architect. Mr. Ebbs said that when they came before the Board two months ago, the Board asked that the proposal be re-worked for a garage reconstruction. He said that they moved the garage ten feet back on the property and one foot to the right, which is closer to the house. He said that left a six foot area between the detached garage and the house. He said that attaching the garage to the house is not possible because of the use of that area of the house. He said that the nonconforming area has been reduced by approximately 50 percent.

The Board asked why the gable was not rotated on the garage so that it would not face the side lot line. Ms. Thomson said that they were trying to preserve the aesthetics of the view from the street. She said that leaving the ridgeline parallel to the street would be less imposing when looking at the front of the house. She said that the property on the left side is upgrade by approximately six to eight feet. She said

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that the gable would not be imposing on the neighbors. She said that the homeowner's preference was to keep the gable in the original configuration.

The Board said that moving the garage back gained two more feet away from the side property line. The Board said that this was a good solution.

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 63 Forest Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 13.4 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming 12.4 foot by 19.3 foot garage and construction of a 24 foot by 26 foot garage with less than required left side yard setbacks and construction of an attached 10 foot by 20 foot storage area that will meet all setback requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/8/11, revised 4/5/11, stamped by Robert F. Drake, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 2/10/11, prepared by Thomson Architects, and photographs were submitted.

On April 26, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that although demolition of an existing nonconforming 12.4 foot by 19.3 foot garage and construction of a 24 foot by 26 foot garage with less than required left side yard setbacks and construction of an attached 10 foot by 20 foot storage area that will meet all setback requirements 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 demolition of an existing nonconforming 12.4 foot by 19.3 foot garage and construction of a 24 foot by 26 foot garage with less than required left side yard setbacks and construction of an attached 10 foot by 20 foot storage area that will meet all setback requirements, subject to the following condition:

- There shall be no plumbing on the second floor of the garage.

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.

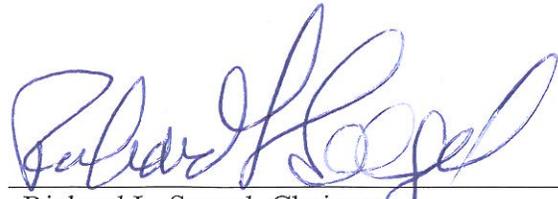
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

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Petition of George Ebbs
63 Forest Street

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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

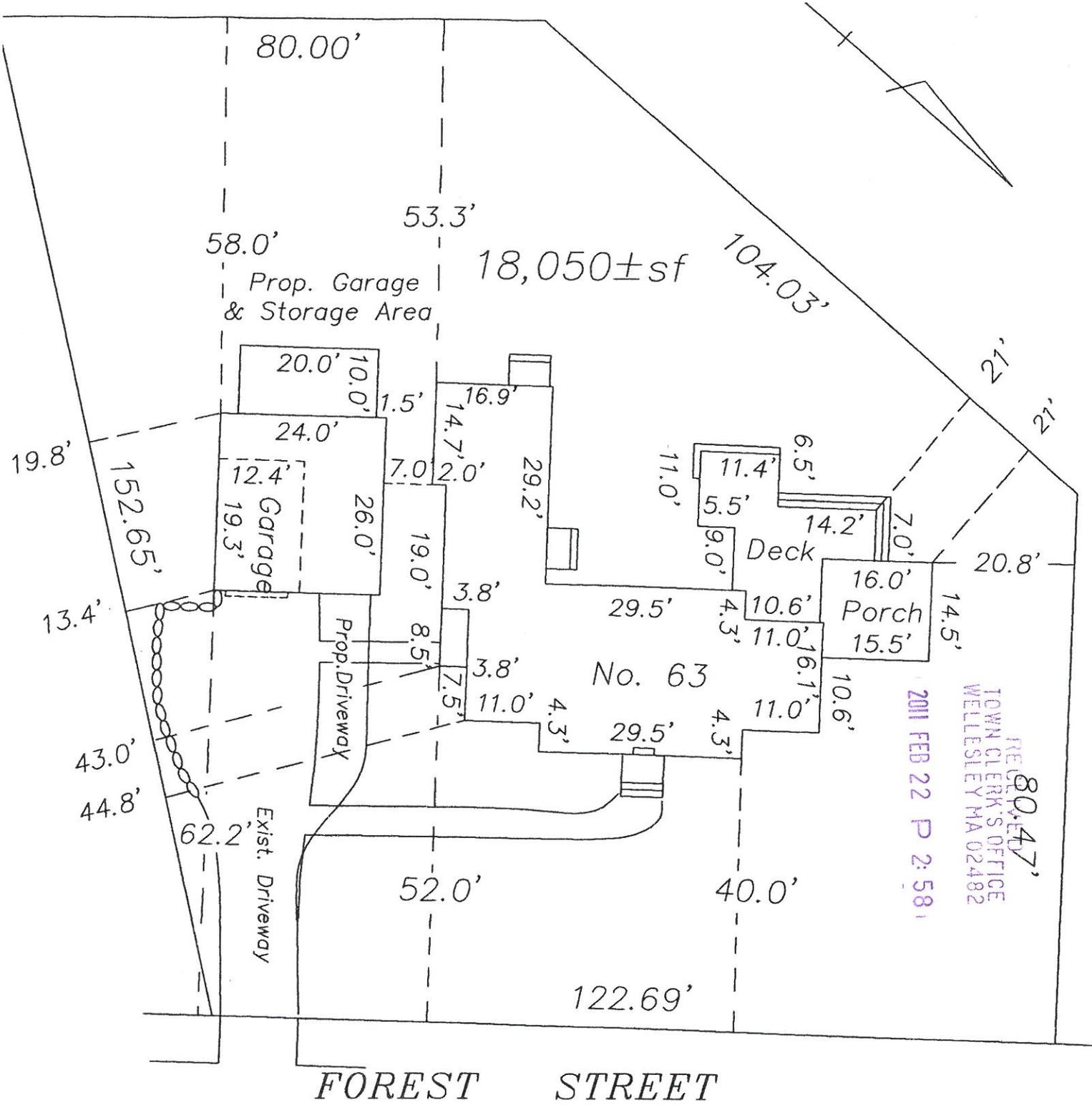


Cynthia S. Hibbard



David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm



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FOREST STREET



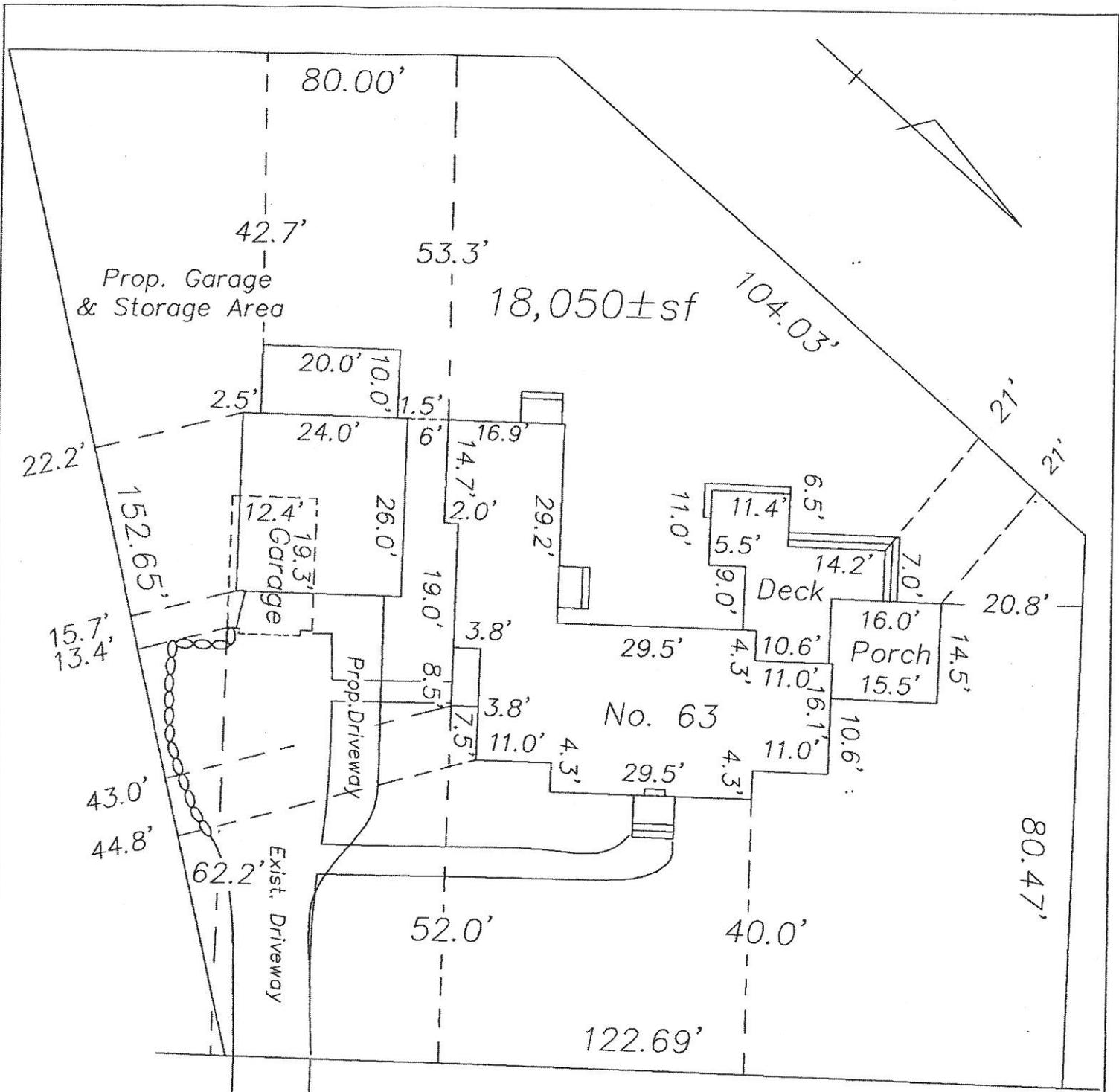
[Handwritten Signature]

CERTIFIED PLOT PLAN
 IN
 No. 63 Forest Street
 WELLESLEY MASS.

SCALE 1"=20' FEB 8, 2011

Drake Associates Inc.
 Civil Engineers Land Surveyors
 175 Millwood Street Framingham Ma.
 (508) 877-0848

Map 76 Lot 33
 Existing Single Residence 10
 Existing Lot Coverage 2,554 sf 14.2%
 Proposed Lot Coverage 3,378 sf 18.7% 20% Max. Allowable



FOREST STREET



Robert S. Drake

CERTIFIED PLOT PLAN
 IN
**No. 63 Forest Street
 WELLESLEY MASS.**
 SCALE 1"=20' APRIL 5, 2011
Drake Associates Inc.
 Civil Engineers Land Surveyors
 175 Millwood Street Framingham Ma.
 (508) 877-0848

Ass Map 76 Lot 33
 Zoning Single Residence 10
 Exist. Lot Coverage 2,554 sf 14.2%
 Prop. Lot Coverage 3,378 sf 18.7% 20% Max. Allowable