

**ZONING BOARD OF APPEALS**

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

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ZBA 2011-29

Petition of Bryan & Holly Sander
13 Cavanagh Road

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 BRYAN & HOLLY SANDER 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 and construction of a 12.25 foot by 24.33 foot garage with less than required left side yard setbacks, construction of a 3 foot by 10 foot entry deck with less than required left side yard setbacks, construction of a 21 foot by 26.29 foot two-story addition and construction of a 13.09 foot by 22.63 foot deck with less than required right side yard setbacks, at 13 CAVANAGH 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 April 19, 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 Bryan Sander (the "Petitioner") and Derek Bloom, Architect.

Mr. Bloom said that they had come before the Board for a Special Permit in November of 2009. He said that they initiated the building process this year. He said that part of that process is submittal of a survey. He said that the surveyor that they used previously was not available. He said that there was a discrepancy between the new surveyor's calculations and the original surveyor's. He said that the discrepancy is 3.5 feet side to side. He said that there was no substantial change from front to back.

The Board asked what the distance will be from the deck to the left side property line. Mr. Bloom said that it will be 24 to 25 feet.

The Board asked if the garage will be moved away from the left side property line. Mr. Bloom said that they will keep the 10.5 dimension from the lot line. He said that they will be moving the garage back to accommodate clearance to the addition.

The Board asked if the garage could be moved away from the side lot line by a few feet. Mr. Bloom said that there is an access issue to the garage. He referred the Board to page A20 and page A22 of the Architectural Drawings. He said that the garage door will be almost flush with the plane of the house. He said that to move the garage into the yard, they would have to move it back approximately 15 feet to

allow a turning radius around the corner. He said that there would have to be an "s" curve to access the garage.

The Board asked about the fence detail connecting the structures. Mr. Bloom said that it is shown on page A21. He said that it connects the corner of the garage to the house. He said that it is also depicted on the cover sheet.

Mr. Sander said that they had submitted letters of support from the neighbors in November of 2009. He said that the neighbors on the right side, the Georgenes, submitted a new letter of support for this petition.

The Board said that it received an email from the homeowner at 15 Cavanagh Road objecting to the location of the garage.

The Board said that the proposed garage is not much more massive than the existing garage. The Board said that 10.5 feet is close to the property line. The Board said that the "s" curve that would be required for moving the garage is a concern.

The Board said that the ridgeline of the proposed garage is not quite three feet higher. Mr. Bloom said that the proposed garage is wider. He said that they will match the pitch of the house.

Mr. Bloom said that the addition will be taller than the existing house. He said that the height of the existing house is shown on page A20. He said that the height of the proposed addition will be 30 feet, five inches. The Board said that the addition will be conforming to the height requirements. The Board asked if the slope of the roof could be changed to bring the height down.

The Board said that on that street, the houses are very similar with respect to massing and height. The Board said that it is a visually pleasing street with the rhythm of the yards and the garages. The Board said that it would be nice if the addition is not taller than the existing house.

Mr. Sander said that the neighbors on the right, the Georgenes, have a three-story addition that is taller than what is proposed for this project. He said that it is visible from the street. He said that there is a picture of it on page A02.

The Board said that there is an impression from the elevations that because of the corner boards, there is actually a break in the façade, even though there is no dimensional change in the plan.

The Board asked about Total Living Area plus Garage (TLAG) calculations. Mr. Bloom said that it will be 2400 square feet.

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 13 Cavanagh Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 10.5 feet, a minimum right side yard setback of 9.7 feet and a minimum front yard setback of 29.9 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming garage and construction of a 12.25 foot by 24.33 foot garage with less than required left side yard setbacks, construction of a 3 foot by 10 foot entry deck with less than required left side yard setbacks, construction of a 21 foot by 26.29 foot two-story addition and construction of a 13.09 foot by 22.63 foot deck 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 4/9/11, stamped by Craig Vancura, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/11/11, prepared by Derek Bloom Architects, and photographs were submitted.

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

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 garage and construction of a 12.25 foot by 24.33 foot garage with less than required left side yard setbacks, construction of a 3 foot by 10 foot entry deck with less than required left side yard setbacks, construction of a 21 foot by 26.29 foot two-story addition and construction of a 13.09 foot by 22.63 foot deck 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 for demolition of an existing nonconforming garage and construction of a 12.25 foot by 24.33 foot garage with less than required left side yard setbacks, construction of a 3 foot by 10 foot entry deck with less than required left side yard setbacks, construction of a 21 foot by 26.29 foot two-story addition and construction of a 13.09 foot by 22.63 foot deck with less than required right side 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.

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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

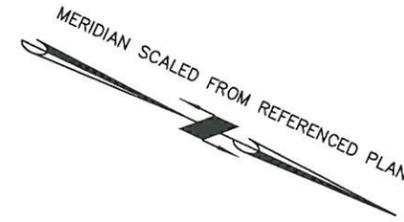
2011 APR 19 A 11:26

N/F
A. P. FOWLER

IRON ROD
FOUND

RECORD OWNER:
BRYAN & HOLLY SANDER
13 CAVANAUGH ROAD
WELLESLEY, MA 02481

REFERENCES:
DEED BOOK 26518, PAGE 154
PLAN IN DEED BOOK 1806, PAGE 316



THOMAS & BRENDA DOCKTOR
N/F

LOT 13
AREA=10,325±S.F.

CAVANAUGH ROAD REALTY TRUST
REBECCA GEORGENES, TRS.
N/F

NOTES:

- 1.) THIS PLAN WAS PREPARED TO SHOW LOCATION OF EXISTING STRUCTURES AND PROPOSED STRUCTURES.
- 2.) THE PLAN WAS PREPARED BY PERFORMING AN INSTRUMENT SURVEY IN MARCH OF 2011.
- 3.) NO UTILITY LOCATION, RESEARCH OR PLOTTING PERFORMED.
- 4.) NO TITLE EXAMINATION PROVIDED, THEREFORE OTHER EASEMENTS NOT SHOWN HEREON COULD EXIST.
- 5.) A TITLE EXAMINATION PRIOR TO CONSTRUCTION IS RECOMMENDED.
- 6.) OVERHEAD WIRES NOT SHOWN HEREON.



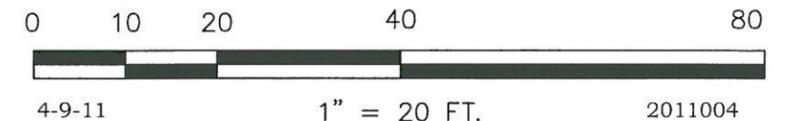
Craig Vancura
4-9-11

**PROPOSED
PLOT PLAN**
OF LAND IN

WELLESLEY, MASSACHUSETTS
AT 13 CAVANAUGH ROAD

PROPERTY OF
BRYAN & HOLLY SANDER
BY
VANCURA & BRENNAN

1 JACKSON STREET, NEWBURYPORT, MA 01950
TEL. 978-395-1689 FAX 978-463-7947
INFO &VANCURABRENNAN.COM



CAVANAUGH ROAD

**PROPOSED
GARAGE**

**PROPOSED
SECOND
FLR. BAY**

**PROPOSED
ADDITION &
DECK**

**PROPOSED
ENTRY DECK**

**PROPOSED
BULKHEAD**

