

**ZONING BOARD OF APPEALS**

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

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ZBA 2011-57

Petition of David Johnson

9 Bryn Mawr Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 4, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DAVID JOHNSON 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 24 foot by 59.4 foot two-story addition and construction of a 10 foot by 18 foot deck that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, at 9 BRYN MAWR ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Record Owner of Property: Brian & Caroline Smith

On July 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 was David Johnson, Architect (the "Petitioner"). He said that there is an existing detached 20 foot by 20 foot garage with a 1.8 foot rear yard setback and an existing porch with a 20.2 foot front yard setback. He said that the proposal is to construct an addition at the rear of the house, consisting of an attached garage, two-story addition and deck. He said that the new construction will meet all setback requirements.

The Board said that all of the houses in the neighborhood are similar with garages against the back fence and unbroken front lawns. The Board said that it was concerned about the increased massing by bringing the garage forward and attaching it to the house. The Board said that the proposed construction will meet Zoning requirements.

Mr. Johnson said that they tried to set the addition back as far as possible. He said that they detailed the garage to be complementary to the existing house.

The Board asked about the motivation for demolishing the existing detached garage and moving it forward. Mr. Johnson said that it is an existing three-bedroom house. He said that there was a need for a fourth bedroom. He said that the proposed layout is more contemporary with a garage and mudroom. He said that the dimensions of the existing garage are very small. He said that a car probably would not fit inside it.

Mr. Johnson said that Total Living Area plus Garage (TLAG) calculations were 3,257 square feet.

The Board said that the proposed lot coverage will be 22.9 percent. The Board said that the limit is 25 percent.

The Board discussed the scale of the plot plan and the height of the existing house.

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 9 Bryn Mawr Road, in a 10,000 Square Foot Single Residence District, with a minimum front yard setback of 20.2 feet and a minimum rear yard setback of 1.8 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming garage and construction of a 24 foot by 59.4 foot two-story addition and construction of a 10 foot by 18 foot deck that will meet all setback requirements, on an existing nonconforming structure 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 7/13/11, stamped by John J. Russell, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 2/6/11, prepared by Studio Twenty Six, and photographs were submitted.

On August 3, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 demolition of an existing nonconforming garage and construction of a 24 foot by 59.4 foot two-story addition and construction of a 10 foot by 18 foot deck that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for demolition of an existing nonconforming garage and construction of a 24 foot by 59.4 foot two-story addition and construction of a 10 foot by 18 foot deck, subject to the following condition:

- The existing garage shall be removed.

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.

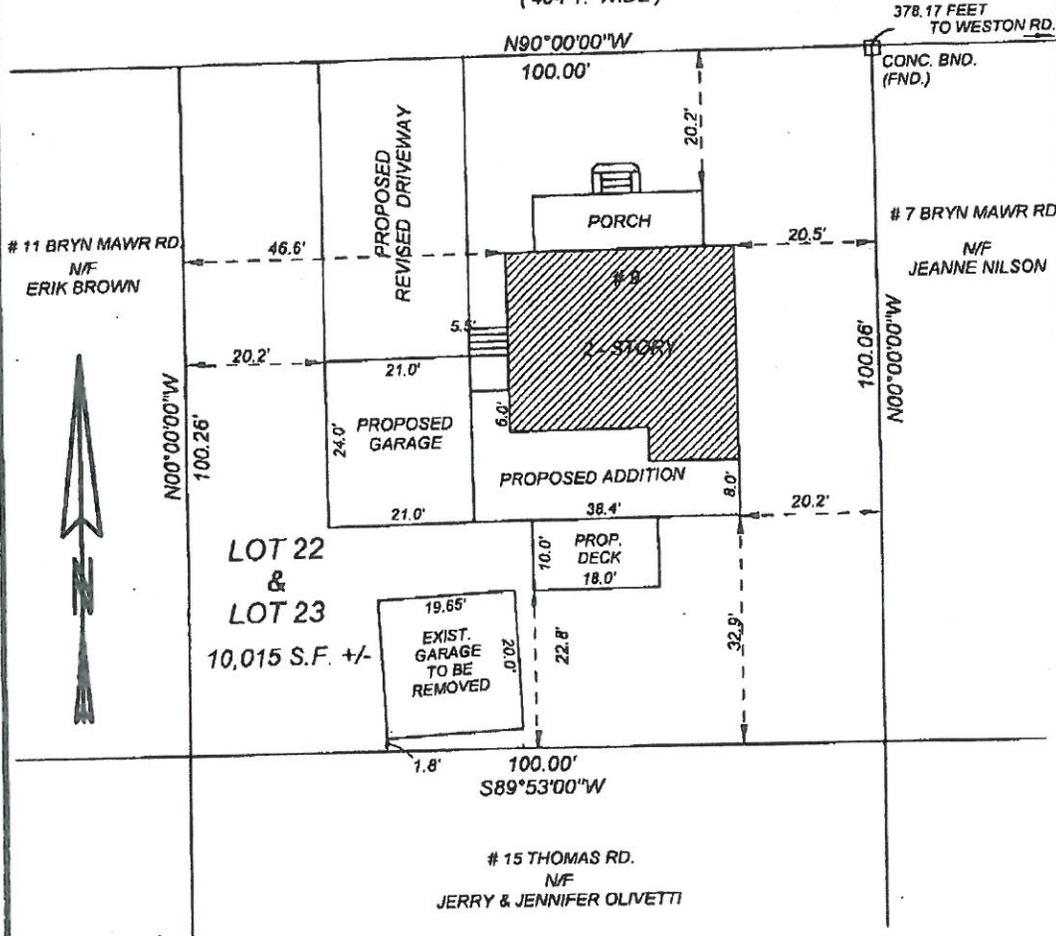
J. Randolph Becker, Acting Chairman

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm

BRYN MAWR ROAD
(40-FT. WIDE)



ZONE = SINGLE RESIDENCE 10
 PROPERTY NOT IN FEMA FLOOD HAZARD AREA
 LOT AREA = 10,015 S.F.
 EXISTING LOT COVERAGE = 1644 S.F. = 16.4 %
 PROPOSED LOT COVERAGE = 2290 S.F. = 22.9 %

PLAN OF LAND

9 BRYN MAWR ROAD
 WELLESLEY, MA

SHOWING
 PROPOSED ADDITION
 OWNED BY
 BRIAN & CAROLINE SMITH

SCALE: 1" = 20' JULY 13, 2011



John J. Russell
 JOHN J. RUSSELL, F.L.S.
 16 SUNSET RD.
 STONEHAM, MA

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