

**ZONING BOARD OF APPEALS**

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ZBA 2011-32

Petition of Scott & Rebecca Renner
83 Leighton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 16, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of SCOTT & RECECCA RENNER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 706.93 square foot second story addition over the existing footprint and construction of a 594.46 square foot attic addition with less than required front and side yard setbacks, on an 8,369 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 83 LEIGHTON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 26, 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 Scott Renner (the "Petitioner") and Tom Timko, Architect. Mr. Timko displayed enlarged plans (retained by proponent). Mr. Renner said that they bought house in 2002 before they had children. He said that it is a two bedroom cape in a great neighborhood. He said that their children share a bedroom. He said that they are hoping to expand the second floor in addition to renovating the first floor to get a four bedroom house. He said that the house is located on a nonconforming lot with less than required left, right and front yard setbacks. He said that they will not be changing the footprint.

The Board said that the master bedroom that extends over the garage is presented as the only gable on the front of the house. The Board said that calls attention to the gable and it tends to dominate the entire image of the front of the house. The Board asked if that could be pulled back and replaced with a shed dormer. The Board said that corner of the house is closest to the street. The Board said that would help in the side elevation as well because it would reduce the flat surface presented to the neighbor. The Board asked about aligning the windows that face the neighbor. The Board said that there is no door shown on the plan at the second floor going up to the attic space. The Board said that the attic plan is labeled as unfinished. Mr. Renner said that the intention is to have a door at the bottom of the stairs to the attic. He said that they do not plan to finish the attic because it would be too large a project.

Mr. Renner said that they struggled with the design of the addition over the garage. The Board said that there are a couple of neighboring houses with a similar condition of a garage with the second floor addition set back so that there is a little bit of a roofline showing above the garage doors. Mr. Timko said this was a tricky design and the addition over the garage was the hardest element to make work without

ruining the colonial look from the outside. He said that normally the garage on a Colonial would be flat to the face of the house or protrude backwards.

The Board discussed Total Living Area plus Garage (TLAG) calculations for attic area.

The Board said that it was concerned about the proposed volume on the right side of the house. Mr. Timko said that there are trees and a garage on the neighbor's side. He said that they tried to balance the garage protrusion with the front façade of the house. He said that he could push the second floor back a couple of feet. He said that they had explored some options including eliminating the gable. He said that made the house look out of balance. He said that the garage with a shed dormer over it looked odd.

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 83 Leighton Road, on an 8,369 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 29.4 feet, a minimum left side yard setback of 14.2 feet, and a minimum right side yard setback of 13.1 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 706.93 square foot second story addition over the existing footprint and construction of a 594.46 square foot attic addition with less than required front and side yard setbacks, on an 8,369 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated 4/3/11, stamped by Gerry D. Gibbs, Professional Land Surveyor, Special Permit Supplemental Information, TLAG Calculations, dated 5/3/11, Existing Floor Plans, dated 3/18/11, Existing Elevation Drawings, dated 4/11/11 & 4/12/11, Proposed Floor Plans, dated 4/10/11, Proposed Elevation Drawings, dated 3/19/11 & 4/10/11, Proposed Changes Attic, dated 5/3/11, prepared by Copper Beech Design, and photographs were submitted.

On June 15, 2011, the Assistant Planning Director 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 although construction of a 706.93 square foot second story addition over the existing footprint and construction of a 594.46 square foot attic addition with less than required front and side yard setbacks, on an 8,369 square foot lot in a district in which the minimum lot size is 10,000 square feet 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 706.93 square foot second story addition over the existing footprint and construction of a 594.46 square foot attic addition with less than required front

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and side yard setbacks, on an 8,369 square foot lot in a district in which the minimum lot size is 10,000 square feet, 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

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

