

**ZONING BOARD OF APPEALS**

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

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ZBA 2011-53

Petition of Alison & Jeffrey Albers
82 Whittier 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 ALISON & JEFFREY ALBERS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 17 foot by 22 foot two-story addition with less than required left side yard setbacks, and construction of a 5 foot by 8 foot landing that will meet setback requirements, at 82 WHITTIER ROAD, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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 Richard Leaf, Architect, who said that he was representing Alison and Jeffrey Albers (the "Petitioner"). He said that the plan is to build an addition at the back of the house. He submitted photographs.

Mr. Leaf said that the proposed 17 foot by 22 foot addition will be behind the garage. He said that the ridge of the addition will align with the ridge of the garage and will not be any higher than the existing garage.

Mr. Leaf said that there is an existing nonconforming left side yard setback. He said that the addition will be set in one foot. He said that the property line splays out favorably. He said that the left front corner of the house is at 15.5 feet but the addition will be at 17.3 feet at its closest point.

Mr. Leaf said that the purpose of the addition is to add some mudroom and storage space on the first floor and another child's bedroom on the second floor.

The Board asked about the discrepancy between the existing and proposed plot plans. Mr. Leaf said that the plot plan was revised to include an extra piece of land.

Mr. Leaf submitted a letter of support that was signed by neighbors.

The Board asked about the height of the existing house. Mr. Leaf said that the height of the existing house is approximately 31 to 32 feet. He said the ridge of the addition that will align with the ridge of the garage will be 22.5 feet high.

Mr. Leaf said that the back side of the garage as it exists is plain. He said that the intent of the design is to mimic a bumpout on the other side of the house.

The Board asked if a conforming addition was considered. Mr. Leaf said that they did consider a conforming design. He said that it is very hard to work with the edge between the main box of the house and the wall that separates the house and the garage. He said that it would not make sense to overlap the roofs there. He displayed plans that were color coded to show the areas of construction that are conforming and the areas that will be nonconforming (retained by proponent). He said that the house is already nonconforming and they have designed a complementary addition to the home. He said that they designed a low roofline along the left side to give scale to the addition. He said that the neighbor on the left side at 78 Whittier Road signed the letter of support.

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 82 Whittier Road, in a 15,000 square foot Single Residence District, with a minimum left side yard setback of 15.5 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 17 foot by 22 foot two-story addition with less than required left side yard setbacks, and construction of a 5 foot by 8 foot landing that will meet setback requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated 7/8/11, revised 7/25/11, stamped by Verne T. Porter, Jr., Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/6/11, prepared by Leaf Design, and photographs were submitted.

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

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 17 foot by 22 foot two-story addition with less than required left side yard setbacks, and construction of a 5 foot by 8 foot landing that will meet 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 construction of a 17 foot by 22 foot two-story addition with less than required left side yard setbacks, and construction of a 5 foot by 8 foot landing that will meet setback requirements, 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.

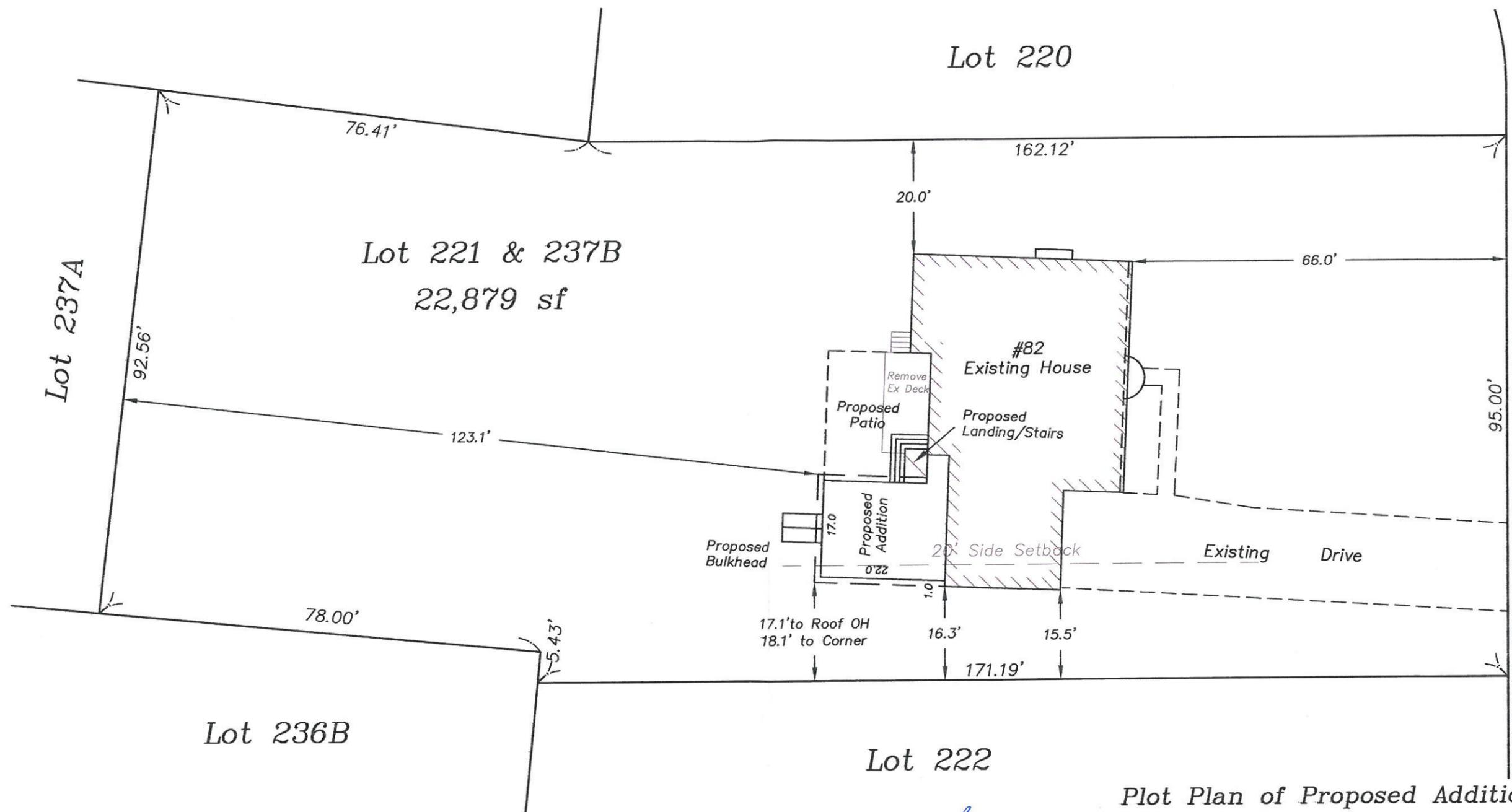
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

J. Randolph Becker, Acting Chairman

Cynthia S. Hibbard

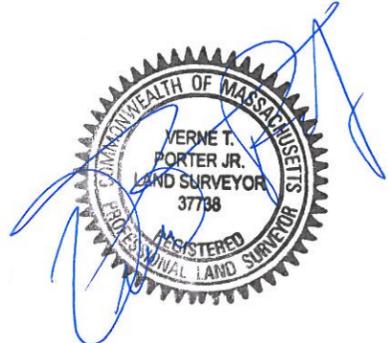
Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm



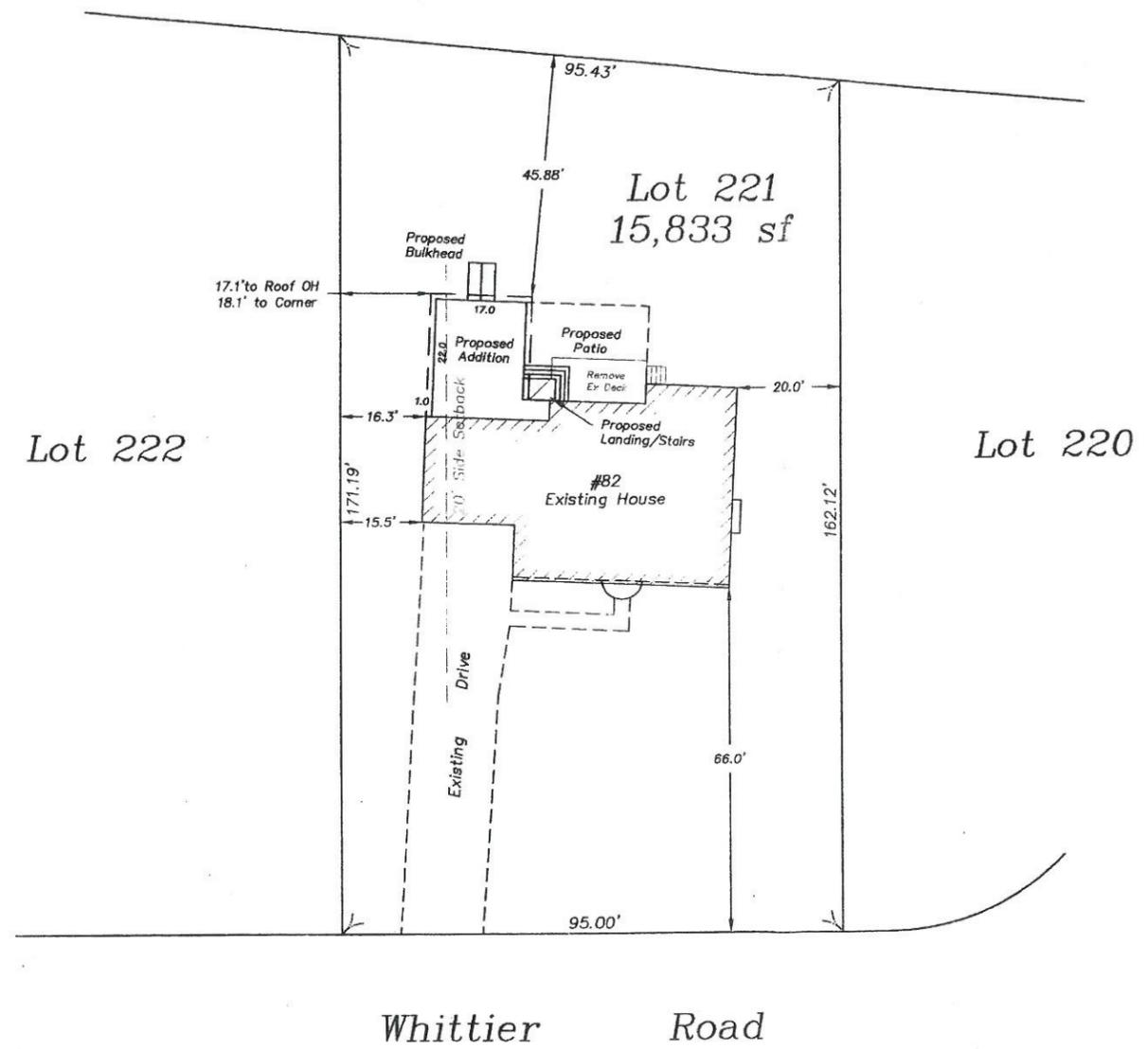
Zoning District: SRD 15

Existing Lot Coverage= 2003 sf (8.75%)
 Proposed Lot Coverage= 2354 sf (10.28%)



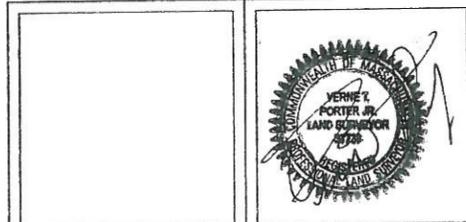
Plot Plan of Proposed Addition
 82 Whittier Road
 Wellesley, Massachusetts

Scale: 1"=20' July 25, 2011
 Verne T. Porter Jr., PLS
 Land Surveyors Civil Engineers
 354 Elliot Street Newton, MA 02464



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TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2011 JUL 19 A 10:30

Zoning District: SRD 15
Existing Lot Coverage= 2003 sf (12.65%)
Proposed Lot Coverage= 2354 sf (14.86%)



82 Whittier Road	
Wellesley, Massachusetts	
Proposed Addition Location	
Scale: 1"=20'	July 8, 2011
VERNE T. PORTER Jr., PLS Land Surveyors - Civil Engineers 354 Elliot Street Newton, Massachusetts 02464	
	Design By:
Sheet 1 of 1	Checked By: V. Porter Jr.
	Drawn By: R. Jardine Jr.