



ZONING BOARD OF APPEALS

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

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ZBA 2014-76
 Petition of Tom Scott, Jr.
 58 Manor Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 4, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of TOM SCOTT, JR. requesting modification of a Variance and a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII, Section XIX, Section XXIV and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming one-story structure with less than required left side yard and right side yard setbacks and construction of a new one-story structure with less than required left side yard and right side yard setbacks, on an existing nonconforming structure, on a 5,000 square foot lot in a Water Supply Protection District and Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, at 58 MANOR AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 18, 2014, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

The Board said that this will be an amendment to a previously granted variance.

Presenting the case at the hearing were John Burke, Esq. and Jim McDonald, Builder.

Mr. Burke said that this is a small starter house and the homeowner would like to put a small addition at the back. He said that the addition will extend the house back 14 feet to a width of 20 feet, continuing the 10.4 foot setback on the left. He said that this house is a small cape that has three bedrooms and two baths. He said that the proposed addition is one story to enlarge the kitchen and eating area. He said that existing total living area on the first floor is 720 square feet. He said that the second floor has approximately 500 square feet of total living area. He said that the addition will increase square footage by approximately 160 square feet.

Mr. Burke said that the house was originally built with a variance in 1952. He said that the decision does not tell whether the house that existed on the lot at the time was conforming. He said that the lot is nonconforming. He said that the variance allowed this house to have left and right side yard setbacks of 10 feet.

Mr. Burke said that it was discovered in 1980 that the house was constructed slightly off of the approved dimensions. He said that at the homeowners came before the Board to correct the plans to reflect a 9 foot setback on one side and a 10 foot setback on the other side. He said that in 1992 the homeowners came

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before the Board for a variance for a similar proposal to the one that is before this Board. He said that variance was granted but the addition was not built. He said that addition was two feet shorter than the proposed addition but was two-story. He said that the request is for modification of the variance. He said that the 1992 decision cited the hardship as the narrow lot.

The Board said that Manor Avenue has a number of 5,000 square foot lots that were created years ago. The Board said that it has seen a number of additions and some new buildings. The Board said that there is little else that can be done with these small properties. The Board said that it encourages these modest improvements to the starter houses in town.

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 58 Manor Avenue, on a 5,000 square foot lot in a Water Supply Protection District and Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 29.8 feet, a minimum left side yard setback of 10.4 feet, a minimum right side yard setback of 8.8 feet, and 50 feet of frontage.

The Petitioner is requesting modification of a Variance pursuant to the provisions of Section XIVE, Section XIX and Section XXIV of the Zoning Bylaw for demolition of an existing nonconforming one-story structure with less than required left side yard and right side yard setbacks and construction of a new one-story structure with less than required left side yard and right side yard setbacks, on an existing nonconforming structure, on a 5,000 square foot lot in a Water Supply Protection District and Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage.

A Plot Plan, dated 7/14/14, stamped by Joseph R. Sullivan, Professional Land Surveyor, Existing and Proposed Floor Plan and Elevation Drawing, dated 7/15/14, prepared by Egan Associates, and a photograph were submitted.

On September 3, 2014, the Planning Board reviewed the petition and recommended that the Special Permit be granted and had no objection to modification of the Variance, if ZBA found it necessary.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

The Board is of the opinion that modification of a previously granted Variance, ZBA 52-17, may be granted to allow for demolition of an existing nonconforming one-story structure with less than required left side yard and right side yard setbacks and construction of a new one-story structure with less than required left side yard and right side yard setbacks, on an existing nonconforming structure, on a 5,000 square foot lot in a Water Supply Protection District and Single Residence District in which the minimum lot size is 10,000 square feet, with less than required frontage, as it was determined by a previous Board in 1952 that a hardship existed.

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The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

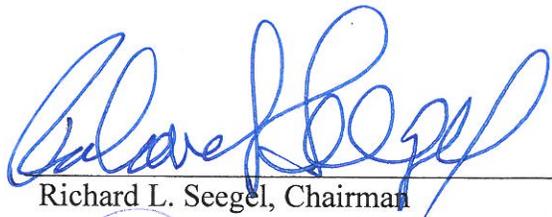
If construction has not commenced, except for good cause, this modification of a variance shall expire one year after the date time stamped on this decision.

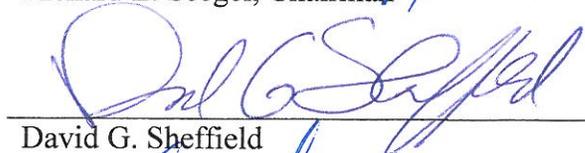
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BUILDING DEPARTMENT
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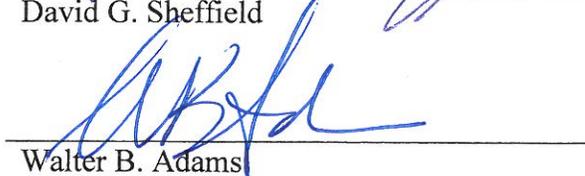
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


David G. Sheffield


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

JUDITH A. VESSEY

NICHOLAS & ELIZABETH CALDERONE

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BOARD OF APPEALS PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY :

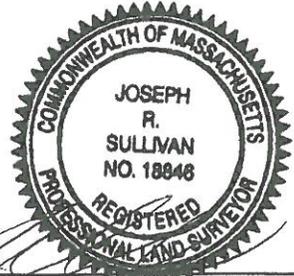
THOMAS H. SCOTT, JR. &
MARGARET M. GUNKEL

DEED REF. : BOOK 32372, PAGE 524
NORFOLK REGISTRY OF DEEDS.

ASSESSORS MAP 198, LOT 66

ZONING CLASSIFICATION : SRD 10

SCALE : 1" = 20' JULY 14, 2014



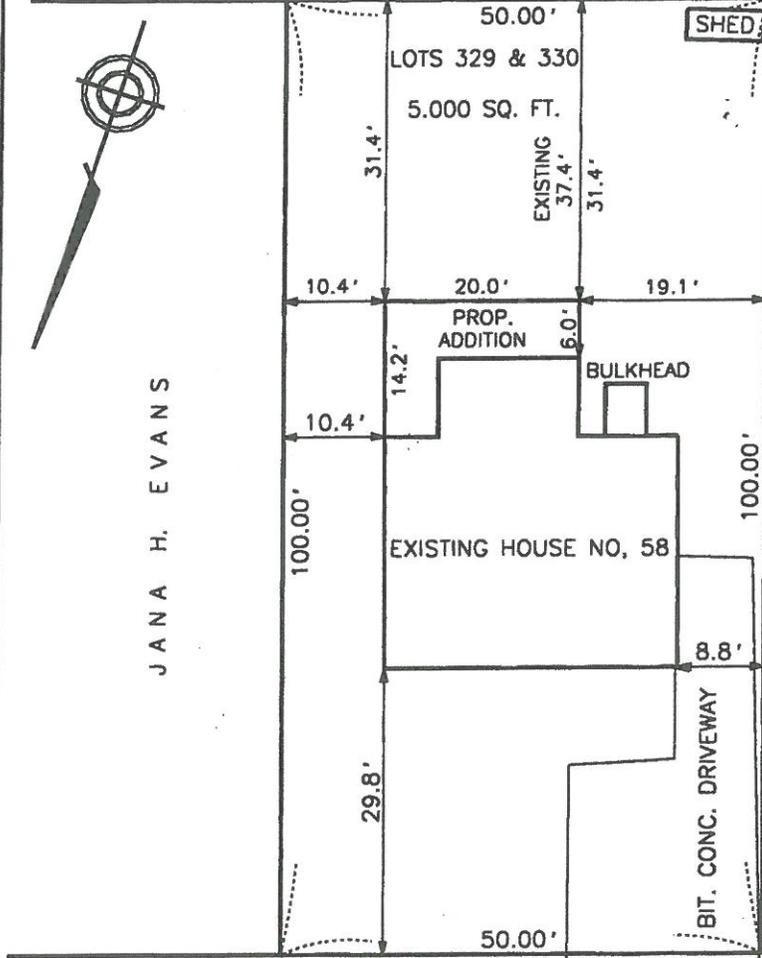
JOSEPH R. SULLIVAN
REG. PROFESSIONAL LAND SURVEYOR



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JANA H. EVANS



NATALIE F. FRAIL & DONALD E. FRAIL
TRUSTEES OF THE NATALIE F. FRAIL
REVOCABLE LIVING TRUST

MANOR AVENUE

ABUTTING HOUSE SETBACKS

56 MANOR AVENUE	- 23.54'
58 MANOR AVENUE	- 29.86'
60 MANOR AVENUE	- 30.31'

EXISTING LOT COVERAGE - 860 SQ. FT - 17.20%
PROPOSED LOT COVERAGE - 1,027 SQ. FT. - 20.54%