TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2015-12
Petition of Ryan & Lauren Huard
53 Garden Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 5, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of RYAN & LAUREN HUARD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a two-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 15,066 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 53 GARDEN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 20, 2015, 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 Ryan Huard, (the Petitioner) and Aaron Socrat, Architect.

Mr. Huard said that he and his wife moved into Wellesley two years ago. He said that they are starting a family and are looking at some things that have to happen around the house. He said that it is a nonconforming structure and the garage is in disrepair and needs to be replaced. He said that the request is to extend to the back of the house.

The Board confirmed that the air conditioning condenser was there when the Huards bought the house. The Board said that air conditioning condensers are not allowed to be put in the setback area without a variance. The Board said that this air conditioning condenser may be grandfathered.

The Board said that the nonconformities are the lot size, and the left side yard and right side yard setbacks. The Board said that the proposed addition will be nonconforming on the right side. Mr. Socrat said that the request is to extend the nonconformity.

The Board said that because of the angle of the property line relative to the house, the distance from the property line to the back corner of the existing garage and the new corner of the expanded garage are greater than the 10.4 setback at the front. The Board said that the extension of that line seems to be the logical thing to do architecturally. The Board said that it does not increase the façade dramatically even though it is just in excess of 12.5 feet.

Mr. Socrat said that there is a gable end on the roof because it existed. The Board said that the existing gable is not of a scale that competes with the hip roofs of the existing house. The Board said that the Applicant might want to consider hipping a portion of the new roof. Mr. Socrat said that they had discussed a modified hip or a gable but the concern was that they would lose some head space. He said that they can look at that again. The Board said that it is just a scaling issue and it will seem smaller to the adjacent property. Mr. Socrat said that putting the hood on lowers the profile and drops the ridge height. He said that they have not done the construction drawings yet. The Board said that it is not a zoning issue but just an architectural consideration.

The Board asked if the Applicant had spoken with the direct abutters about the project. The Board said that the Garden Condominiums abut this property on two sides. Mr. Huard said that he had spoken with the abutters but not about the specific details of the project.

The Board asked where the water goes off of the roof lines of the property. Mr. Socrat said that currently there is a plateau at the back and the water goes to the rear. He said that the area is grassed and landscaped. The Board asked if the runoff will be affected by the increased roof line. Mr. Socrat said that they can install some rain leaders down to drywells. He said that should address concerns with runoff.

The Chairman read the Planning Department Staff recommendation. Mr. Socrat said that words like, "bulk" and other words are modernized and are hard to address. He said that people interpret bulk in different ways. He said that something that is aesthetically sensitive to the site is not bulk. He said that a square box could be considered by some to be bulk. He said that there is a second floor room. He said that they are not proposing to add kitchens or baths. He said that they will be adding a little more volume because the space is there.

The Board said that the use of the two dormers on the front and back go quite a way in reducing the bulk because it breaks up the appearance of bulk. The Board said that the roof configuration is quite forgiving. The Board said that hipping the end gable might be another consideration. Mr. Socrat said that he would be happy to change it to a modified hip roof. The Board said that if Mr. Socrat thinks that it will make the project better, he should make the change. The Board said that it is not a condition of the decision.

The Board said that although this will be adding square footage, it is not out of norm. The Board said that this design will not be detriment to the neighborhood

There was no one present at the public hearing who wished to speak to the petition.

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Statement of Facts

The subject property is located at 53 Garden Road, on a 15,066 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 18.5 feet and a minimum right side yard setback of 10.4 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a two-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 15,066 square foot lot in a district in which

the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 11/19/14, stamped by John R. Hamel, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/6/15, prepared by Architectural Services, and photographs were submitted.

On January 29, 2015, the Planning Department Staff reviewed the petition and recommended that the petition be denied.

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.

It is the opinion of this Authority that although demolition of an existing deck and construction of a two-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 15,066 square foot lot in a district in which the minimum lot size is 20,000 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, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing deck and construction of a two-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on a 15,066 square foot lot in a district in which the minimum lot size is 20,000 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 constructions 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.

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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.

J. Randolph Becker, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm

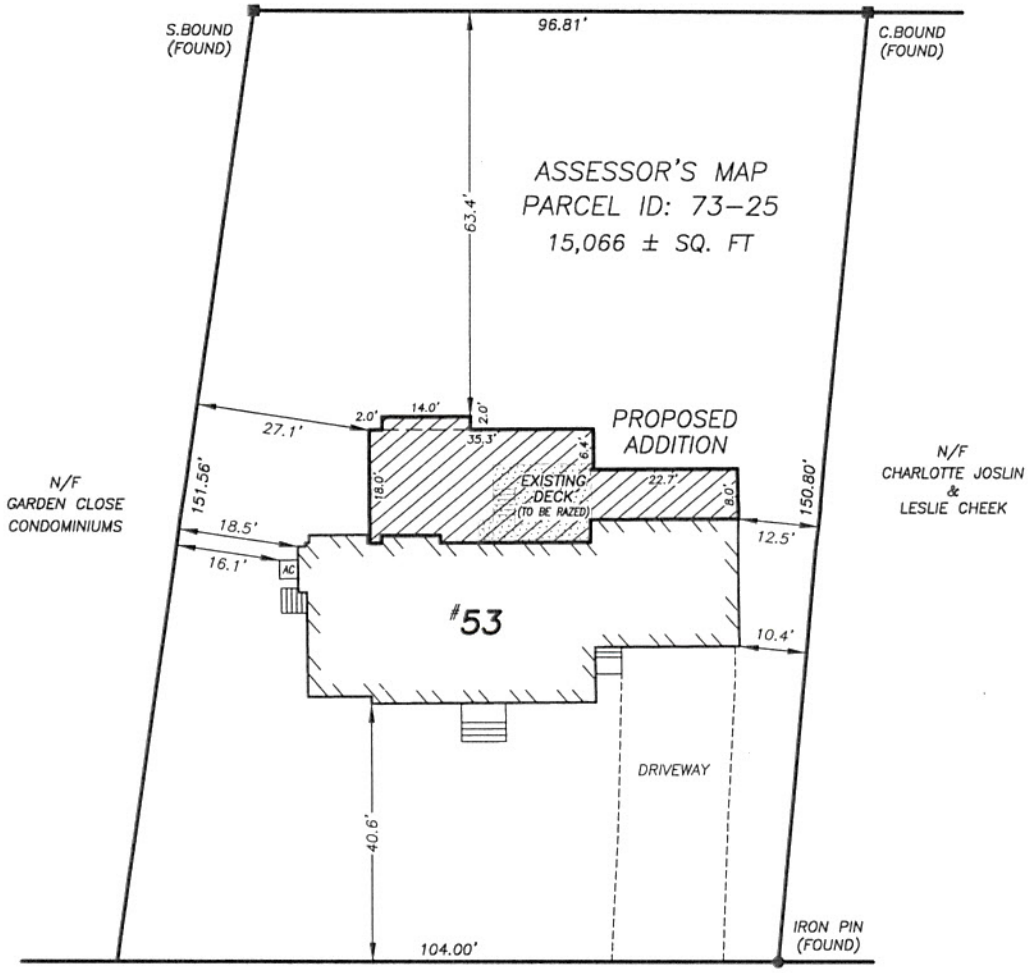
PLOT PLAN
53 GARDEN ROAD
WELLESLEY, MASSACHUSETTS
1 INCH = 20 FEET NOVEMBER 19, 2014

SNELLING & HAMEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & ENGINEERS
10 LEWIS STREET P.O. BOX 102
LINCOLN, MASSACHUSETTS 01773
(781) 259-0071

PLAN IN BOOK 2012 PAGE 30

OWNERS OF RECORD:
RYAN HUARD
&
LAUREN HUARD
BK.30903 PG.301

N/F
GARDEN CLOSE
CONDOMINIUMS



GARDEN ROAD

NOTES:
- ZONING DISTRICT: SINGLE RESIDENCE 20
- EXISTING LOT COVERAGE = 1,991± SF OR 13.2%
- PROPOSED LOT COVERAGE = 2,705± SF OR 18.0%

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF SEPTEMBER 24, 2014, WITH THE USE OF A TOPCON TOTAL STATION.

JOHN R. HAMEL
PROFESSIONAL
LAND SURVEYOR

COMMONWEALTH OF MASSACHUSETTS
JOHN R. HAMEL
#35029
PROFESSIONAL LAND SURVEYOR

11-19-2014
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