



ZONING BOARD OF APPEALS

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

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ZBA 2015-53
 Petition of Daniel & Jennifer Harding
 104 Fairbanks Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 4, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DANIEL & JENNIFER HARDING requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage with less than required left side yard setbacks, and reconstruction with a new second floor addition over the garage, at 104 FAIRBANKS AVENUE, on a 14,689 square foot lot in a single residence district in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 19, 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 Leah McGavern, Architect, and Daniel and Jennifer Harding, (the Petitioner).

Mr. Harding said that they have lived at 104 Fairbanks Avenue since 2004. He said that the request is for a special permit for a side yard setback. He said that the proposal is to raze an existing garage with a bedroom above it and rebuild it and raise the floor up two to three inches. He said that they will change the roofline to make it a bigger bedroom. He said that the new construction will be on the same footprint.

Mr. Harding submitted a letter of support from all of the neighbors, including the next door neighbor whose property is next to the proposed construction. He said that two direct neighbors and two across the street signed the letter of support.

Ms. McGavern said that construction will be on the same footprint. She said that the only change is that the floor will be raised which will raise the ridge of the structure approximately two feet. She said that is so that the floor of the guest room can be on the same level as the rest of the second floor.

The Board said that the three nonconformities are the left and right side yard setbacks and the lot size. The Board said that the only setback that would be affected is the left side setback.

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 104 Fairbanks Avenue, on a 14,689 square foot lot in a single residence district in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, with a minimum left side yard setback of 11.7 feet and a minimum right side yard setback of 14 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage with less than required left side yard setbacks, and reconstruction with a new second floor addition over the garage, on a 14,689 square foot lot in a single residence district in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 5/12/15, stamped by Verne T. Porter, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/6/15, prepared by McGavern Design, Section XVID Review Affidavit, and photographs were submitted.

On June 4, 2015, the Planning Board reviewed the petition and recommended that the special permit be approved.

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 nonconforming garage with less than required left side yard setbacks, and reconstruction with a new second floor addition over the garage, on a 14,689 square foot lot in a single residence district in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District 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 nonconforming garage with less than required left side yard setbacks, and reconstruction with a new second floor addition over the garage, on a 14,689 square foot lot in a single residence district in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, 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.

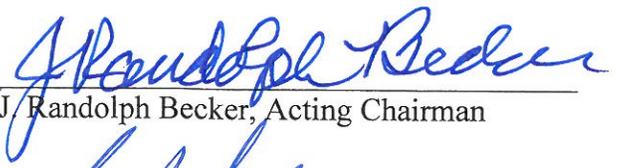
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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

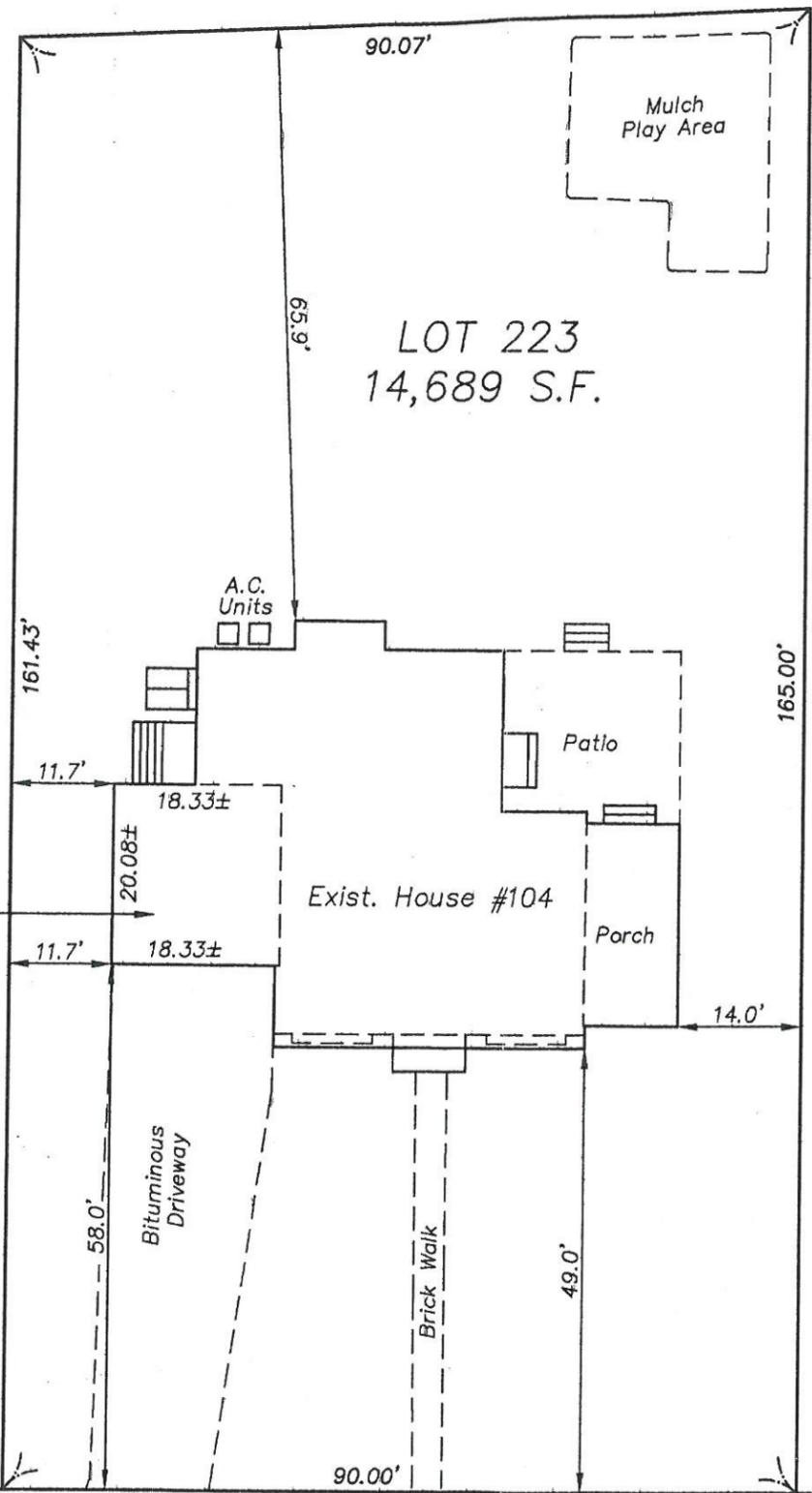


Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



LOT 223
14,689 S.F.

Existing 1 story garage to be rebuilt on existing foundation/footprint with the addition of a second floor as shown. See Architural Plans

Assessors Map 29 Parcel 19
Zoning District Residential 15

Existing Lot Coverage=15.28±%/2245±s.f.
Proposed Lot Coverage=15.28±%/2245±s.f.
Max. Allowed Lot Coverage 20% or 2500s.f.
Whichever is Greater

Owners:
Daniel & Jennifer Harding
104 Fairbanks Ave.
Wellesley, Ma. 02481
LC Cert #168031

Fairbanks Avenue



PROPOSED ADDITION PLAN
104 FAIRBANKS AVENUE
WELLESLEY, MASSACHUSETTS

SCALE: 1"=20' MAY 12, 2015

VERNE T. PORTER JR., PLS
354 ELLIOT STREET NEWTON, MA 02464

2015 MAY 19 A 11:16

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