



ZONING BOARD OF APPEALS

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

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ZBA 2015-22

Petition of Robert Ross & Andrea Stracciolini
 110 Wellesley Avenue

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 5, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ROBERT ROSS & ANDREA STRACCIOLINI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with basement with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, in a 10,000 square foot Single Residence District, at 110 WELLESLEY AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 17, 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 Richard Leaf, Architect, Robert Ross and Andrea Stracciolini, (the Petitioner).

Mr. Ross said that they bought the house in 2005. He said that they have three children who attend the Fiske School. He said that they have long thought about their property, how the house is situated on the lot and how they could more effectively use the structures that are there.

Mr. Leaf said that he was been working with his clients for a year to come up with an appropriate solution. He displayed enlarged photographs of the house (retained by proponent). He said that the house was built in 1928. He said that an addition was built on the driveway side in 1999. He said that the detached garage was built in 1934.

Mr. Leaf said that there is a 3.2 foot gap between the garage and the house at the tightest point. He said that there is a bay window that projects from the house. He said that they had to cut the fascia back on the garage to accommodate the bay window. He said that it is a bad, unsafe condition. Mr. Ross said that it has been particularly unsafe this winter. Mr. Leaf submitted a photograph showing the space between the back of the house and the garage with snow, (entered into the record).

Mr. Leaf said that there is an existing one-story sunroom on the right side that was original to the house.

Mr. Leaf said that the house and the property are nonconforming for three reasons. He said that the right side yard setback is 14.6 feet, the front yard setback is 28.4 feet and the right side yard setback for the garage is 11.5 feet. He said that because it is a pie shaped lot, there was no way to reposition the garage.

Mr. Leaf said that the intention is to resolve the problem of the 3.2 foot gap between the garage and the house and to create more living space. He said that the Petitioner has a six year old, an eight year old and a ten year old. He said that there are three very small bedrooms on the second floor. He said that they would like to get more space on the second floor to enlarge the bedrooms, get some desk space and a laundry room. He said that part of the project will be to build on top of the existing sunroom. He said that they are proposing to fill in between the two pieces that are already projecting into the setback. He said that they are trying to create a connection so that you can open a door from the garage to get into the house by filling in the gap.

The Board asked if the Petitioner had spoken with the neighbors at 112 Wellesley Avenue. Mr. Ross said that he had shown the neighbors the application and went over the plans with them. He said that they expressed no concerns at all. The Board said that it is preferable for the neighbors to sign something to show their support.

A Board member said that he was impressed by how much work will be done that will not gain a lot of space. He said that his initial reaction was that they would be getting closer to the setback. He said that when he drove by the property, he realized that the neighbors will probably not notice the addition because there is some vegetation there and the neighbors are higher.

Mr. Leaf said that the addition was deliberately designed to not go any closer to the property line. He said that the house is quite small even with the additions. He said that the first floor is slightly under 1,300 square feet and the plan is to add 236 square feet. He said that the second floor of the house is 1,136 square feet and the plan is to add another 236 square feet, for a total of approximately 450 square feet.

Mr. Leaf said that the relation of the back of the house to the garage is a bad problem. He said that it does not meet Building Code. He said that his clients are committed to staying in the house.

A Board member said that the Board is typically not eager to see a connection to a garage. He said that, in his opinion, this one is not a problem and he had no objections.

Ms. Stracciolini said that the proposed addition will be a marked improvement in the quality of their life. She said that they are committed to the neighborhood. She said that they have a very good relationship with their neighbors. She said that they appreciate their close proximity to the schools.

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 110 Wellesley Avenue, on a 10,310 square foot lot in a 10,000 square foot Single Residence District, with a minimum front yard setback of 28.4 feet, a minimum right side yard setback of 14.6 feet for the existing two-story structure and a minimum right side yard setback of 11.5 for the existing detached garage.

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The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with basement with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 2/9/15, stamped by Wesley Y. Guillaume, Professional Land Surveyor, Existing Floor Plans, dated 4/11/14, Existing Elevation Drawings, dated 6/14/14 & 1/28/15, Proposed Floor Plans and Elevation Drawings, dated 2/7/15, prepared by Leaf Design, and photographs were submitted.

On March 3, 2015, the Planning Board reviewed the petition and recommended that the petition be granted.

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 construction of a two-story addition with basement with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks 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 construction of a two-story addition with basement with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, 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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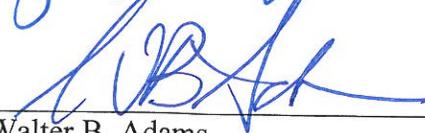
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



J. Randolph Becker



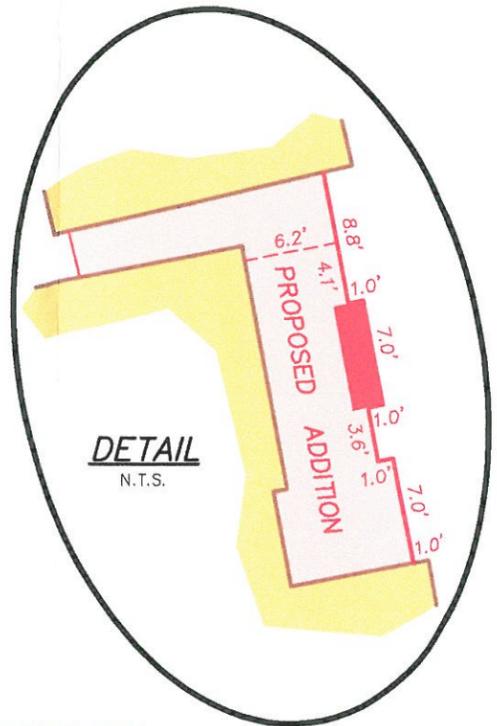
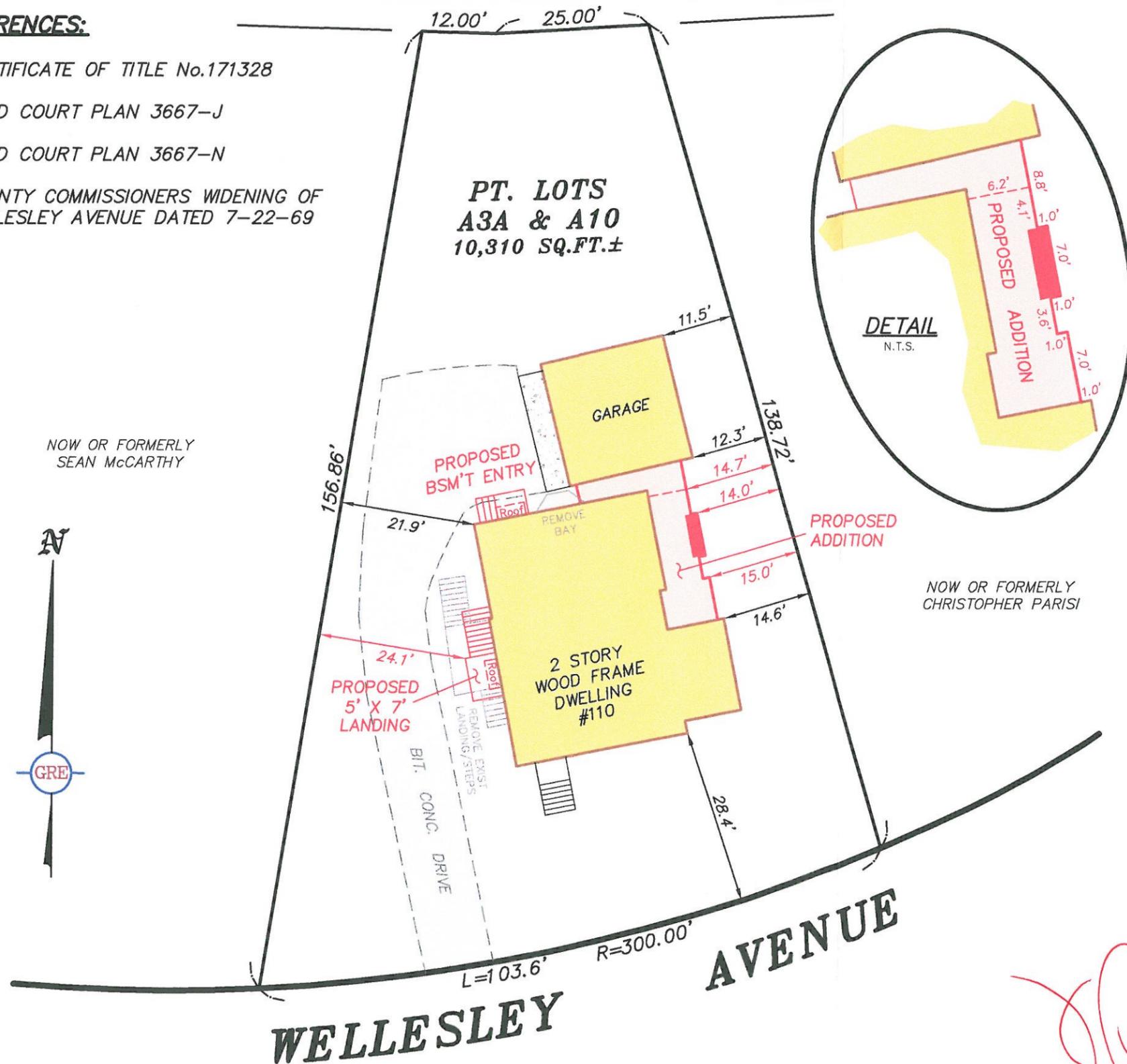
Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

EXIST. BLDG. COVERAGE: 1,786 SQ.FT.±
 EXIST. LOT COVERAGE: 17.3% ±
 PROP. BLDG. COVERAGE: 1,933 SQ.FT.±
 PROP. LOT COVERAGE: 18.7% ±

REFERENCES:

1. CERTIFICATE OF TITLE No.171328
2. LAND COURT PLAN 3667-J
3. LAND COURT PLAN 3667-N
4. COUNTY COMMISSIONERS WIDENING OF WELLESLEY AVENUE DATED 7-22-69



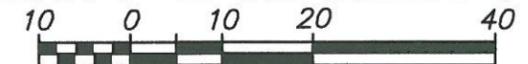
NOTES:

1. PHOTO REPRODUCTION OF THE SEAL AND SIGNATURE HEREON IS INDICATIVE OF UNAUTHORIZED REPRODUCTION AND USE OF THIS PLAN. IF THIS PLAN DOES NOT CONTAIN AN ORIGINAL SIGNATURE IN RED TOGETHER WITH AN EMBOSSED SEAL, IT IS NOT AN AUTHORIZED PLAN FROM GRE SURVEYING AND CANNOT BE USED FOR ANY PURPOSE WHATSOEVER. ANY UNAUTHORIZED USE OR MODIFICATION OF THIS PLAN MAY CONSTITUTE FRAUD AND WILL RENDER THIS PLAN NULL AND VOID.
2. THIS PLAN IS NOT TO BE USED FOR THE RECONSTRUCTION OF BOUNDARY LINES NOR FOR TITLE INSURANCE PURPOSES.
3. THIS PLAN DOES NOT REPRESENT A CONFIRMATION OF BOUNDARY LINES NOR A DETERMINATION OF TITLE BUT IS SOLELY INTENDED TO DEPICT THE OFFSET DIMENSIONS OF THE PROPOSED STRUCTURE TO THE LOT LINES AS DEPICTED ON A PLAN RECORDED IN LAND COURT AS PLANS 3677 J & N
4. THE SUBJECT PROPERTY IS DEPICTED AS LOT 77-7 ON WELLESLEY ASSESSOR'S MAPS
5. OWNERS OF RECORD ARE ROBERT C. ROSS AND ANDREA STRACCIOLINI, 110 WELLESLEY AVENUE, WELLESLEY, MASSACHUSETTS
6. ALL OFFSETS SHOWN HEREON ARE TO THE NEAREST ONE TENTH (1/10) OF A FOOT.
7. ZONING DISTRICT IS SINGLE RESIDENCE 10

PLOT PLAN of LAND
 LOCATED IN
WELLESLEY, MASSACHUSETTS
 (NORFOLK COUNTY)

PREPARED FOR
ROBERT ROSS

SCALE: 1" = 20' DATE: FEBRUARY 9, 2015



GRE
 SURVEYING LLC

P.O. Box 664, Winchester, MA 01890
 Telephone 781-721-1944

DWG No. 140609PP

GRE No. 140609

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