

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

2000 MAR -1 P 12:17

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ZBA 2000-19

Petition of Matthew S. Wohl and Pamela A. Casey
10 Rice Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 17, 2000 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of MATTHEW S. WOHL AND PAMELA A. CASEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their nonconforming dwelling with less than the required left and right side yard setbacks, at 10 RICE STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A two-story addition 21.9 feet by 17.5 feet with less than the required left and right side yard setbacks.
2. A one-story addition 12.1 feet by 8.5 feet with less than the required right side yard setback.

On January 31, 2000, the petitioners 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 Matthew Wohl, who said that when they bought their home four years ago, they had no children. They now have two and are expecting a third momentarily. They have looked for a larger home, but cannot afford what they need. The only alternative is to add to the existing house.

The Board commented that the plot plan shows a 12 foot right of way. Mr. Wohl said that the right of way no longer exists, but they haven't bothered to legally erase it. A prior owner purchased the land about 10 years ago.

The Board noted that the Planning Board had no objection as long as the additions do not create further encroachment into the side yard setbacks.

Jennifer Mahan, 12 Rice Street, opposed the expansion of a small home, as she felt that there was a need to maintain small homes for first time home owners, and for older people wishing to downsize.

The Board replied that owners of small homes, who are in need of more space, also want to continue to live in Wellesley. The Board would rather give consideration to a someone who has a need due to an expanding family, rather than have a developer buy the lot, tear down the existing house and build a larger

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one. In this case, the lot has less than 10,000 square feet, allowing 25% lot coverage. The petitioners will be covering only 19% of the lot; and both additions are less nonconforming than the existing house.

Scott Hansen, 16 Rice Street, expressed support for the petition. Jack Sullivan, 20 Paine Street, and Terry Sullivan, 418 Washington Street, were also present in support of the petition.

Statement of Facts

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The subject property is located at 10 Rice Street, in a Single Residence District, on a 6,602 square foot lot, and has a minimum left side yard clearance of 15.3 feet and a minimum right side yard clearance of 3.4 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 17.5 foot by 21.5 foot two-story addition at the front of the dwelling, with a minimum left side yard setback of 18.4 feet and a minimum right side yard setback of 9.4 feet; and a one-story 12.1 foot by 8.5 foot addition at the right rear corner of the dwelling, with a minimum right side yard setback of 6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

A Plot Plan dated December 16, 1999, revised 12/20/99, revised 1/24/00, drawn by Malcolm N. Johnston, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 1/8/2000, drawn by Karl D. Leabo, AIA Architect; and photographs were submitted.

On February 15, 2000, the Planning Board reviewed the petition and had no objection to the granting of the request provided that the additions do not encroach further into the yard areas than the existing house.

Decision

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

This Authority find that neither the proposed one-story addition nor the proposed two-story addition will be substantially more detrimental to the neighborhood than the existing nonconforming structure as neither addition will intensify the existing nonconformance, nor will either addition create new nonconformity, as both additions are less nonconforming than the existing structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of both additions, subject to construction in conformance with the submitted plot plan revision dated 1/24/00 and the submitted 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.

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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.

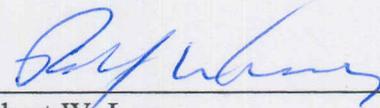
CC: Planning Board
Inspector of Buildings



Kendall P. Bates, Chairman



William E. Polletta

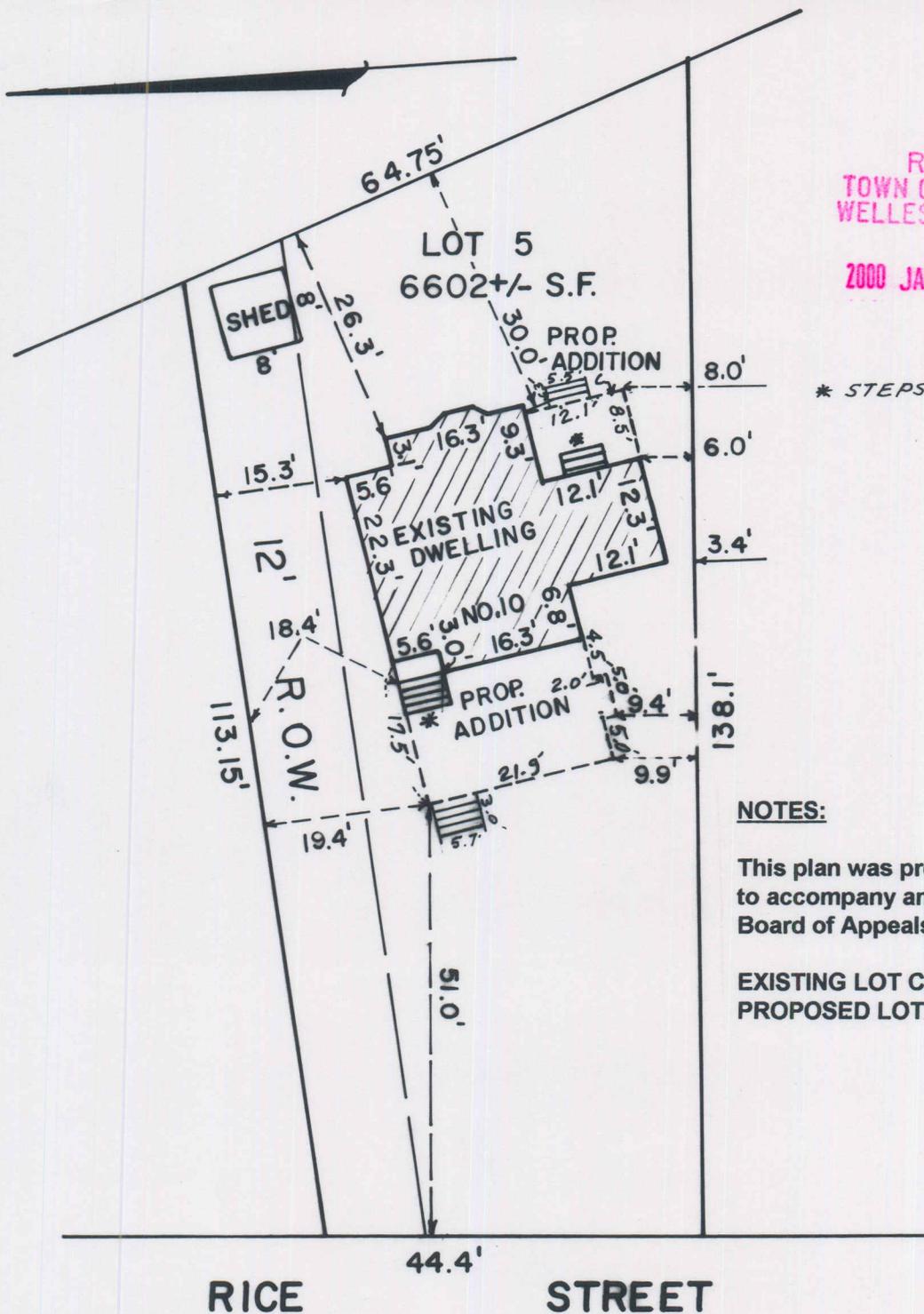


Robert W. Levy

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* STEPS TO BE REMOVED

NOTES:

This plan was prepared for Matthew S. Wohl to accompany an application to the Zoning Board of Appeals to obtain a building permit.

EXISTING LOT COVERAGE = 808 SQ. FT. 12.2%
PROPOSED LOT COVERAGE = 1256 SQ. FT. 19%

I HEREBY CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY DONE ON THE GROUND AND THAT THE EXISTING STRUCTURES ARE LOCATED AS SHOWN HEREON.

Malcolm N. Johnston 1-24-00
Professional Land Surveyor Date



**CERTIFIED PLOT PLAN
IN
WELLESLEY - MASS.
SCALE: 1" = 20' DECEMBER 16, 1999**

REVISED 12/20/99
MALCOLM N. JOHNSTON
PROFESSIONAL LAND SURVEYOR
298 CENTRAL AVENUE
DEDHAM, MA. 02026

REVISED 1-24-00