

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS 2001 FEB 13 A 8:24

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ZBA 2001-2

Petition of Stephen M. and Lorna R. Kogon
116 Crest Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 25, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, on the petition of STEPHEN M. AND LORNA R. KOGON 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 116 CREST ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing deck and construction of a 23.3 foot by 18.3 foot two story addition with less than the required right side yard setback.
2. Construction of a 10 foot by 18.2 foot second story addition above an existing family room with less than the required right side yard setback. There will be no change in the footprint.

Presenting the case at the hearing were Stephen and Lorna Kogon. Mrs. Kogon said they would like to build over an existing family room which has less than the required right side yard setback, and build a two-story addition which will continue the house toward the back. The addition will contain a fourth bedroom and an enlarged family room.

On January 8, 2001, the petitioners filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

The Board noted that the new construction maintains the existing nonconforming setback. The Board asked if the right side abutter had any objections. Mrs. Kogon responded that they had discussed the project with their neighbors over the past year and there were no objections.

The Board commented that as the ground falls away and the street turns, the additional construction would be in back of the downhill neighbors and would not have a negative impact.

Robert Dischino, 6 Delanson Circle, said that, as a rear yard abutter, he would appreciate a condition in the ZBA decision, if granted, that the footprint would never be increased in the future. Abutters on both sides have added to their homes, and, while he does not object to the proposed project, he would like to ensure that no future expansion will be possible.

The Board stated that it could not legally place that type of restriction in the decision. Future construction could be conforming and not require Board approval, or, if nonconforming, would require approval by the Zoning Board at that time. Mr. Kogon stated that they have no plans for future expansion, as any further expansion would diminish the back yard.

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Statement of Facts

The subject nonconforming property is located at 116 Crest Road, in a Single Residence District, on a 9,650 square foot lot, with a minimum left side yard clearance of 18 feet and a minimum right side yard clearance of 11.7 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing deck and construction of a two-story 23.3 foot by 18.3 foot addition with a minimum right side yard clearance of 11.9 feet and a second story 10 foot by 18.2 foot second story addition with a minimum right side yard clearance of 11.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated May 17, 2000, drawn by Joseph R. Sullivan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated May 20, 2000; and photographs were submitted.

On January 23, 2001, the Planning Board reviewed the petition and although the Board did not oppose the request, it recommended that serious consideration be given to the impact on the abutter's light and air of this petition and similar multi-story additions that are proposed to be constructed within required lot setback area.

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 with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

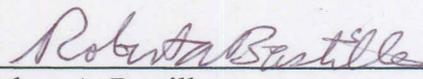
It is the finding of this Authority that the proposed two-story 23.3 foot by 18.3 foot addition and the second story 10 foot by 18.2 foot addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the proposed construction will neither intensify the existing nonconformance nor will it create new nonconformance.

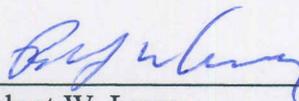
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the two-story addition and second story addition in accordance with the submitted plot plan and construction drawings.

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

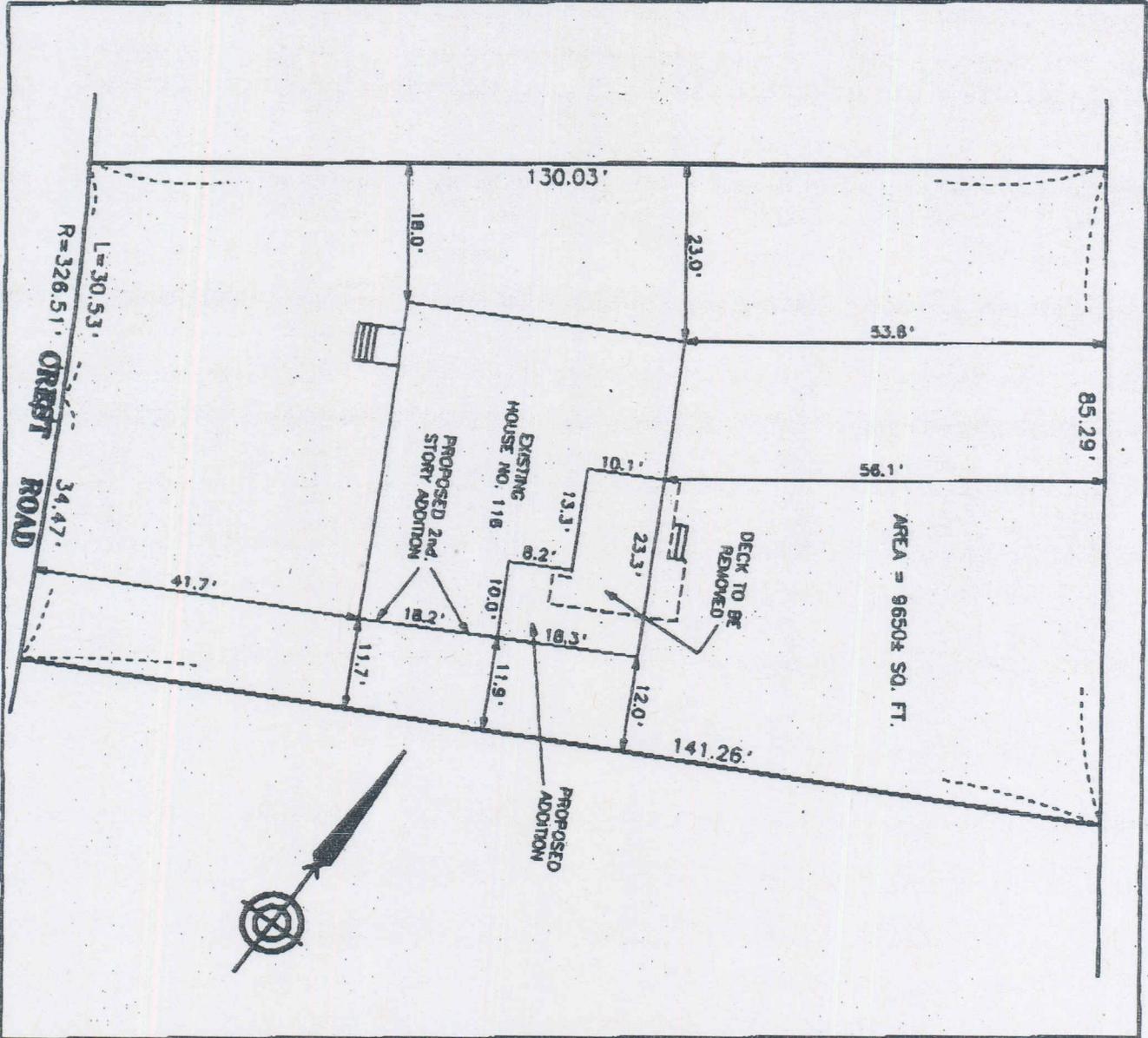
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.


Kendall P. Bates, Chairman


Robert A. Bastille


Robert W. Levy

CC: Planning Board
Inspector of Buildings



BOARD OF APPEALS
PLAN OF LAND IN
WELLESLEY, MASS.

APPLICANT: STEPHEN M. KOGON & LORNA R. KOGAN

SCALE: 1" = 20' MAY 17, 2000

EXISTING COVERAGE = 14.87%
 PROPOSED COVERAGE = 15.62%

COMMONWEALTH OF MASSACHUSETTS
 JOSEPH R. SULLIVAN
 No. 12946
 REGISTERED SURVEYOR

RECEIVED
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 WELLESLEY, MASS.
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JOSEPH R. SULLIVAN
 REG. PROF. SURVEYOR

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 41 BEACON STREET WAINHEIM, MASS
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