

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ZBA 2001-21
Petition of John and Barbara Ligor
1 Beach Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 26, 2001 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOHN AND BARBARA LIGOR 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 front setback at 1 BEACH ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Raising the ridge line of the entire roof 6.5 feet to accommodate a 60.5 foot by 33.9 foot second story addition with less than the required front setback. There shall be no change in the footprint.
2. A cantilevered 8 foot by 33.9 foot deck with less than the required front setback.

On April 9, 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.

Presenting the case at the hearing were John and Barbara Ligor. Mr. Ligor said they currently live in Newton, but own the Beach Road property and would like to live in it. They would like to add a second story to the house by raising the ridge line 6.5 feet over the entire house. About 25% of the house is nonconforming as to front setbacks.

The Board noted that the Planning Board was opposed to granting the request, as it represents a dramatic increase in the bulk of the building.

The Board stated that the State Building Code requires a 7.6 foot minimum ceiling height for new construction, and asked how, if the ridge line were to be raised only 6.5 feet, the Ligors could have a 7.6 foot ceiling. Mr. Ligor said he was not aware of the requirement, but they could slant the roof, as there is space in the attic. He said that the roof would be 36 feet at the pond end, but 33 feet on average.

The Board expressed concern that the deck would be very close to the pond, and that this house is closer to the water than any of its neighbors. Mr. Ligor said that even with all the rain during the past month, the water on the pond would have had to rise another foot and a half before it reached their cellar. He added that their house is also the lowest in the whole neighborhood. Only one house on the point is at the same level.

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The Board was of the opinion that the drawings do not show how the deck will be constructed, and were concerned that an 8 foot deck would need real support. Mr. Ligor said that it could be done by means of brackets, and that the Wetlands Committee had issued an Order of Conditions for the project.

John Greene, 1 Bay Road, said the house has been vacant for many years. He was in favor of the petitioners doing something with the property, but not necessarily what the Ligor's are planning to do.

The Board suggested that the deck be moved from the pond side of the dwelling to the rear side. In that location, the deck could be built in a conforming manner. The Ligor's could request to withdraw without prejudice the portion of their petition regarding the deck. In order to apply for a building permit without returning to the Board for approval, the deck would have to be relocated to conform with all setback requirements, and a new plot plan showing the new dimensions and setbacks would have to be submitted to the Inspector of Buildings.

The Ligor's requested to withdraw without prejudice their request for a Special Permit/Finding for the deck.

The Board voted unanimously to allow the Ligor's to withdraw without prejudice their petition for the deck, and granted, with one abstention, a Special Permit to raise the ridge line of the roof 6.5 feet to accommodate a full second story over the entire first floor, subject to the condition that no point of the raised ridge line exceed a height of 36 feet as measured from the average finished grade of the land surrounding the exterior walls.

Statement of Facts

The subject property is located at 1 Beach Road, on the corner of Bay Road, on a 14,000 square foot lot, in a Single Residence District, and has a minimum front yard setback of 18 feet from the center line of Beach Road, and a minimum front yard setback of 9 feet from the property line fronting the street. The left side of the dwelling is within 13.5 feet of the 2001 approximate water line.

The petitioners are requesting a Special Permit/Finding that the raising of the ridge line of the entire roof 6.5 feet to accommodate a full 60.5 foot by 33.9 foot second story addition with a minimum front yard clearance of 9 feet to the Beach Road front property line; and construction of an 8 foot by 33.9 foot cantilevered deck with a minimum front yard clearance of 14 feet from the Beach Road front property line and 5.5 feet from the 2001 approximate water line, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated March 4, 2001, stamped by Peter G. Hoyt, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations drawn by John P. Ligor, were submitted.

On March 29, 2001, the Wetlands Protection Committee issued a Determination of Applicability with conditions for the proposed construction.

On April 24, 2001, the Planning Board reviewed the petition and opposed the granting of the request, as the project represents a dramatic increase in the bulk of the building.

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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 noted in the foregoing Statement of Facts.

It is the finding of this Authority that the raising of the ridge line of the entire roof 6.5 feet to accommodate construction of a full 60.5 foot by 33.9 foot second story addition shall not be substantially more detrimental to the neighborhood as, although it will increase the bulk of the structure, the structure is currently the lowest in the neighborhood. Furthermore, the addition of a second floor shall not create new nonconformity as there will be no change in the footprint.

This Authority makes no finding on the cantilevered 8 foot by 33.9 foot deck as this request was withdrawn without prejudice by the Ligor at the Public Hearing.

Therefore, a Special Permit is granted, as voted at the Public Hearing with one abstention, to raise the ridge line of the roof 6.5 feet to accommodate a full second story, in accordance with the submitted plot plan and construction drawings, subject to the following condition:

1. At no point shall the ridge line of the raised roof exceed the height of 36 feet as measured from the average finished grade of the land surrounding the exterior walls.

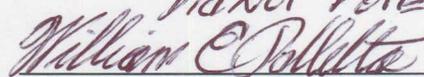
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

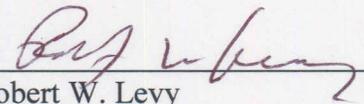
Cc: Planning Board
Inspector of Buildings
edg



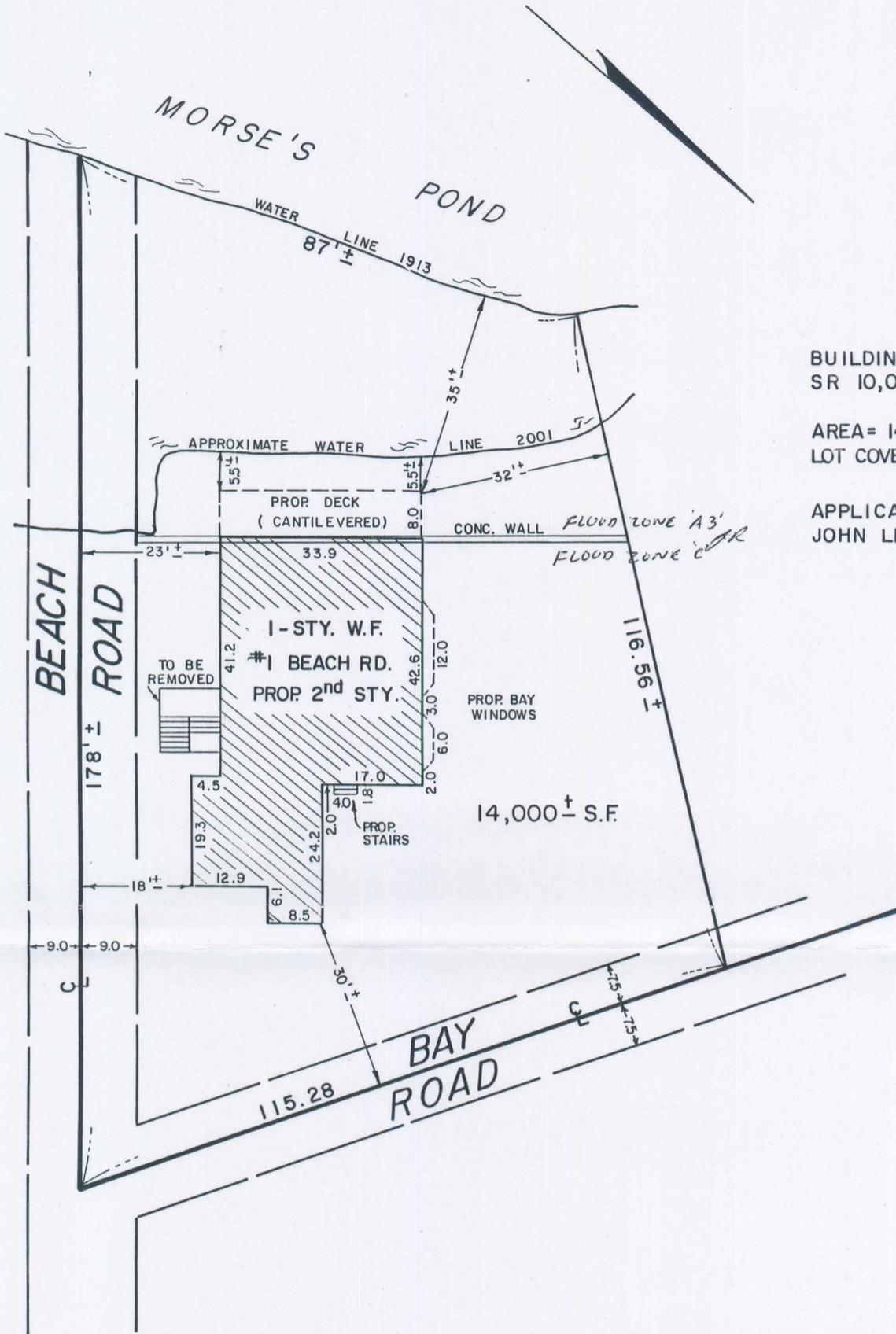
Kendall P. Bates, Chairman

Did NOT VOTE


William E. Polletta



Robert W. Levy



BUILDING ZONE :
SR 10,000

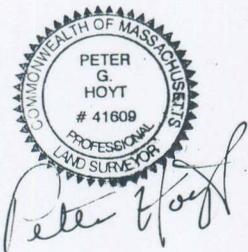
AREA = 14,000 ± S.F.
LOT COVERAGE = 15.7 %

APPLICANT :
JOHN LIGOR

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NOTE

DUE TO DISCREPANCIES IN FIELD DATA
THIS PLAN IS COMPILED FROM FIELD
OBSERVATIONS, OCCUPATION, CALCULATIONS
AND ORIGINAL LAND COURT PLAN.
OFFSETS ARE APPROXIMATE.



PLAN OF LAND
IN
WELLESLEY, MASS.

SCALE: 1" = 20'
MASS BAY SURVEY, INC.

MARCH 4, 2001
NEWTON, MASS.