

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2001 JUL 11 A 8:15

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ZBA 2001-47

Petition of John J. and Jennifer M. Finkenaur
37 Tennyson Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 28, 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 J. and JENNIFER M. FINKENAUER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the raising of the ridge line of the roof 7.5 feet above their existing nonconforming family room with less than the required right side yard setback, to accommodate a 24.2 foot by 13.6 foot second story addition; and construction of a 13.1 foot by 14.6 foot deck, with less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback, at 37 TENNYSON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 11, 2001, 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 was John Finkenaur, who said they need more bedroom space, which would be added above the existing family room, which would not change the footprint. They would also like to add a small porch in the rear. Their right side neighbors have no objections.

The Board noted that the Planning Board opposed the granting of the Special Permit due to the increased bulk within the side yard area.

The Board complimented Mr. Finkenaur on the design of the proposed addition, and expressed the opinion that the bulk will be minimized due to the design and placement of the roof. Although originally concerned that the addition will be only five feet from the right side line, the Board noted that there is a great deal of screening on that side.

No other person had any comment on the petition.

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Statement of Facts

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The subject property is located at 37 Tennyson Road, in a Single Residence District, on a 14,000 square foot lot, and has a minimum right side yard setback of 5.4 feet.

The petitioners are requesting a Special Permit/Finding that the raising of the ridge line above an existing nonconforming family room 7.5 feet to accommodate a 24.2 foot by 13.6 foot second story addition with a minimum right side yard setback of 5.5 feet, and construction of a 13.1 foot by 14.6 foot deck with a minimum right side yard setback of 18.7 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated June 6, 2001, stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated June 5, 2001, drawn by Streibert Associates; and photographs were submitted.

On June 19, 2001, the Planning Board reviewed the petition and opposed the granting of the request based on the increased bulk within the side yard 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 to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the proposed raising of the ridge line 7.5 feet above the existing nonconforming family room to accommodate a 24.2 foot by 13.6 foot second story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure because, although it will intensify the existing nonconformance, it will not create new nonconformity as there will be no change in the footprint.

It is the finding of this Authority that the proposed 13.1 foot by 14.6 foot deck shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformance nor create new nonconformity as it is far less nonconforming than the existing structure.

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

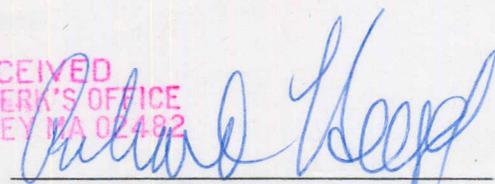
The Inspector of Building is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

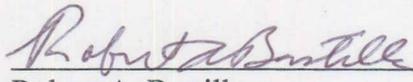
Petition of John J. and Jennifer M. Finkenaur
37 Tennyson Road

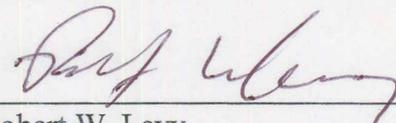
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg

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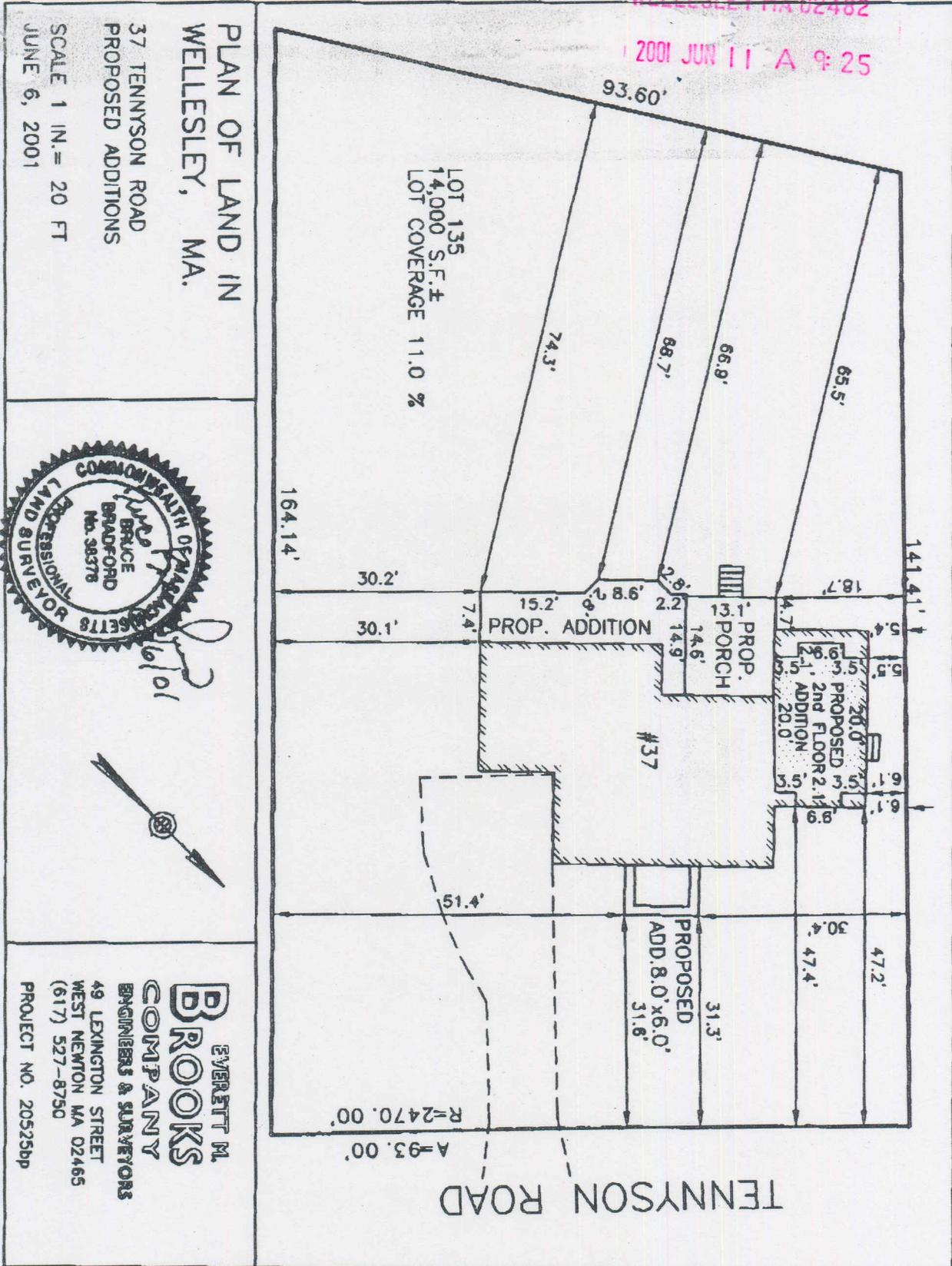

2001 JUL 15 Richard L. Seegel, Acting Chairman


Robert A. Bastille


Robert W. Levy

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2001 JUN 11 A 9:25



PLAN OF LAND IN
WELLESLEY, MA.

37 TENNYSON ROAD
PROPOSED ADDITIONS

SCALE 1 IN. = 20 FT
JUNE 6, 2001



EVERETT M. BROOKS
COMPANY
ENGINEERS & SURVEYORS
 49 LEXINGTON STREET
 WEST NEWTON MA 02465
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 PROJECT NO. 20525bp