

TOWN OF WELLESLEY



MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

2001 JUL 8 A 8:13

KENDALL P. BATES, CHAIRMAN
RICHARD L. SEEGEL, VICE CHAIRMAN
CYNTHIA S. HIBBARD

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A. BASTILLE
J. RANDOLPH BECKER
ROBERT W. LEVY

ZBA 2001-52
Petition of 24 Alden Road Trust
Susanne Stauffer, Trustee
24 Alden Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 26, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of the 24 ALDEN STREET TRUST, SUSANNE STAUFFER, TRUSTEE 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 8.5 feet above the existing nonconforming 12 foot by 12.1 foot library, with less than the required rear yard setback, to accommodate a second story addition with the same dimensions, at the premises at 24 ALDEN ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On July 9, 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 Susanne Stauffer, who said the house is 64 years old and the bathrooms have never been remodeled. She would like to remodel the master bath and create additional closet space on the second floor in the most unobtrusive way possible. There is a small library on the first floor, one corner of which is nonconforming. She would like to add a second floor above the library. It is surrounded by shrubbery and not close to the abutting house.

The Board commented that the Planning Board had opposed the granting of the request due to the increased mass on a small lot.

The Board asked if Ms. Stauffer knew when the enclosure of the porch occurred. Ms. Stauffer replied that she thought the porch was enclosed when the survey was done, which was before she bought the house.

Ms. Gordon stated that the house was built in 1937, according to Building Department Records. In 1989, the prior owners requested permission from the Board of Appeals to enclose the porch, which was granted. There has been no change in the footprint since 1989, which was the reason for not requesting a revised plot plan.

The Board asked if the area in question is a side yard or a rear yard, as the property is a corner lot. The house fronts on Wellesley Avenue, but the address is 24 Alden Road. Ms. Gordon explained that, under

ZBA 2001-52.
Petition of 24 Alden Road Trust
Susanne Stauffer, Trustee
24 Alden Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

the change in the Zoning Bylaw, there are two frontages requiring a 30 foot setback and the other two sides must have 20 foot setbacks regardless of whether they are side or rear yards.

The Board expressed concern with the incremental changes to the house albeit by different owners, and said the decision would contain a condition that if any permits were requested in the future, a new plot plan would have to be submitted.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 24 Alden Road on the corner of Wellesley Avenue, on a 12, 105 square foot lot, in a Single Residence District and has a minimum rear yard setback of 10.8 feet.

The original house with a 12 foot by 12.1 foot porch was built in 1937. In 1989, the Board of Appeals granted a variance to Richard and Susan Little, which allowed enclosure of the nonconforming porch. A Plot Plan dated 4/5/89 stamped by Nathan Rossman, Registered Land Surveyor, was submitted with the application. Since that time, there has been no change in the footprint.

The petitioner is requesting a Special Permit/Finding that the raising of the ridge line of the roof 8.5 feet above said enclosed 12 foot by 12.1 foot nonconforming porch, which is now a library, to accommodate a second story addition with the same dimensions and the same minimum setback of 10.8 feet from the rear lot line. There will be no change in the footprint.

A Plot Plan dated 4/5/89 stamped by Nathan Rossman, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated June 23, 2001, drawn by Anne Lenox of Asid Partners in Design; and photographs were submitted.

On July 24, 2001, the Planning Board reviewed the petition and opposed the granting of the petition. The Board noted that the plot plan submitted is more than ten years old and shows a porch at the east side of the dwelling. The Board is not sure whether this porch was enclosed, and if so, whether necessary permits/finding or variance was obtained. The Board further notes that this is a small lot and the increased mass of the house on the lot may cause the structure to be more detrimental to the neighborhood than the existing building.

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 proposed second story 12 foot by 12.1 foot addition above the existing nonconforming library will intensify the existing nonconformance, but will not create new nonconformity as there will be no change in the footprint. The enclosed porch is surrounded by shrubbery and hardly visible to the rear abutter on Wellesley Avenue.

Petition of 24 Alden Road Trust
Susanne Stauffer, Trustee
24 Alden Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2001 AUG - 8 AM 8:13

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to allow the raising of the ridge line of the library roof 8.5 feet to accommodate a 12 foot by 12.1 foot second story addition in accordance with the submitted plot plan and construction drawings, and subject to the condition that any future additions shall require submission of a new plot plan either to the Building Department, if the addition is conforming, or to the Board of Appeals, if the addition does not comply with the Zoning Bylaw at the time of submission.

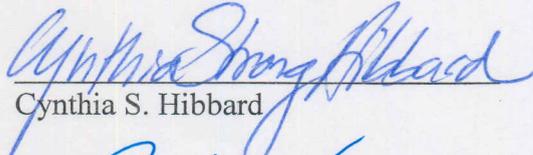
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

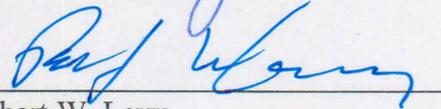
Cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman



Cynthia S. Hibbard



Robert W. Levy

