

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS | 2001 SEP -5 A 8:09

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

ZBA 2001-62
Petition of Robert G. and Patrice S. Kester
41 Kipling Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 23, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT G. and PATRICE S. KESTER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition and reconstruction of a one-story 10 foot by 13.4 foot room with the same footprint, with less than the required rear yard setback, at their nonconforming dwelling with less than the required rear yard setback, at 41 KIPLING ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 6, 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 was Robert Kester, who said they are not expanding the footprint of the addition. The room to be reconstructed has sustained damage and needs repair. As a practical matter, it is easier to tear it down and rebuild it in conjunction with other conforming changes to the house, which will take place at the same time.

The Board had no questions regarding this petition. No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 41 Kipling Road, in a Single Residence District, on a 14,164 square foot lot at the corner of Damien Road, and has a minimum rear yard setback of 16.3 feet.

The petitioners are requesting a Special Permit/Finding that the demolition and reconstruction of a 10 foot by 13.4 foot one-story room, with a minimum rear yard setback of 16.3 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Plot Plan dated August 6, 2001, drawn by Clifford E. Rober, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated August 6, 2001, prepared by Classic Restorations; and photographs were submitted.

On August 21, 2001, the Planning Board reviewed the petition and had no objection in granting the request as there would be no change in the footprint.

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 demolition and reconstruction of the nonconforming one-story 10 foot by 13.4 foot room, with no change in the footprint, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the reconstruction will neither intensify the existing nonconformance, nor will it create new nonconformity as there will be no change in the height or dimensions of the structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to demolish and reconstruct the one-story 10 foot by 13.4 foot structure 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.

Cc: Planning Board
Inspector of Buildings
edg

Kendall P. Bates, Chairman

Cynthia S. Hibbard

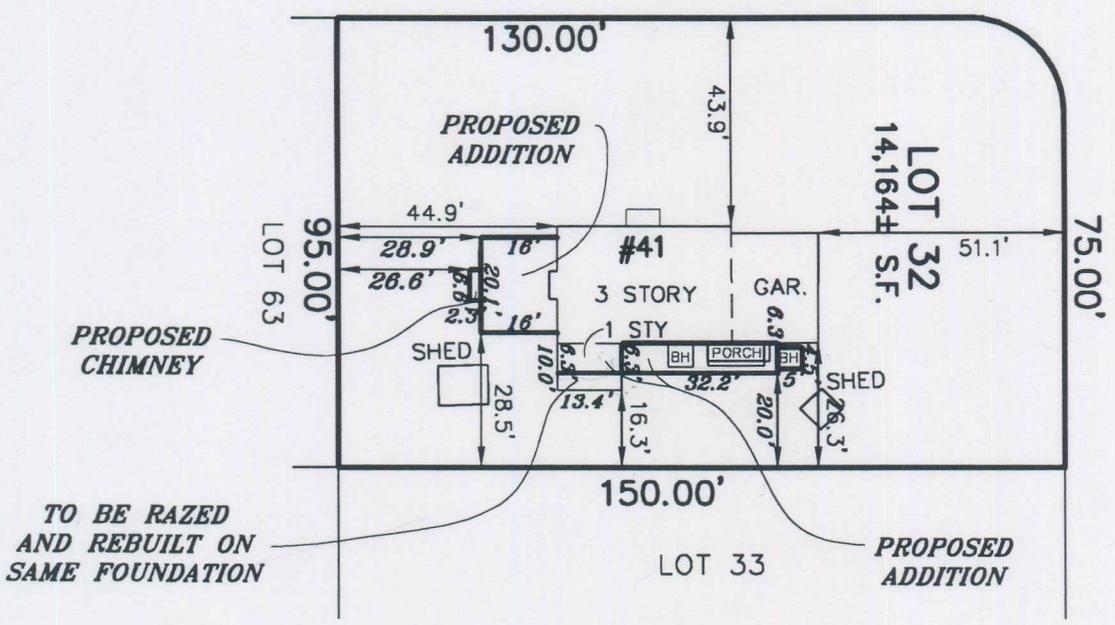
Richard L. Seegel

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KIPLING ROAD

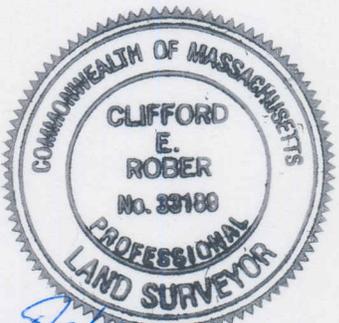
DAMIEN ROAD



PROP. LOT COVERAGE = 14.8%

OWNER: PATRICE & ROBERT KESTER

I HEREBY CERTIFY THAT THE BUILDING IS LOCATED AS SHOWN.



Clifford E. Rober
CLIFFORD E. ROBER, PLS DATE

THIS PLAN MAY HAVE BEEN ALTERED IF THE SIGNATURE IS NOT SIGNED IN BLUE.

PROPOSED PLOT PLAN
#41 KIPLING ROAD
IN
WELLESLEY, MA
(NORFOLK COUNTY)

SCALE: 1" = 40' DATE: 8/6/2001

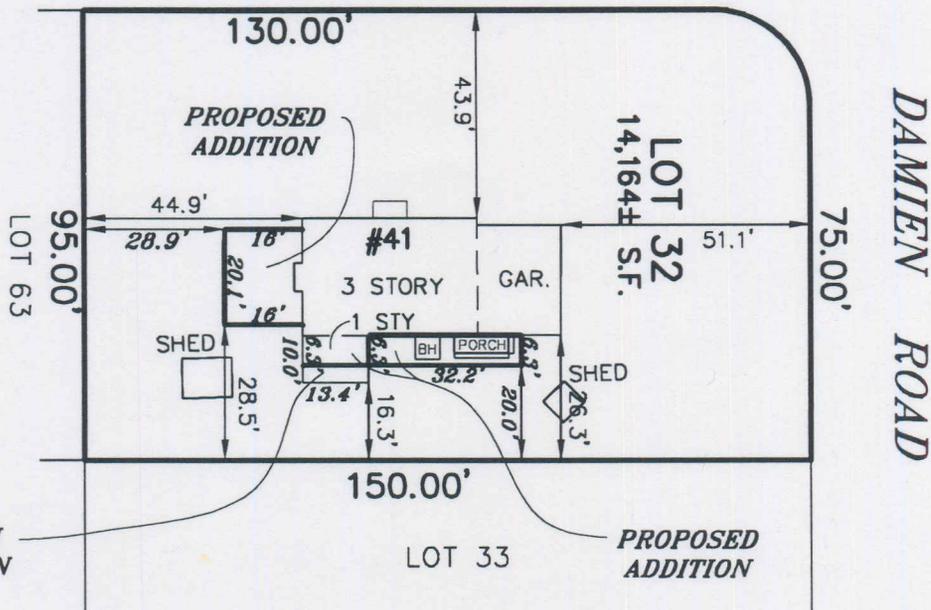
ROBER SURVEY
1072A MASSACHUSETTS AVENUE
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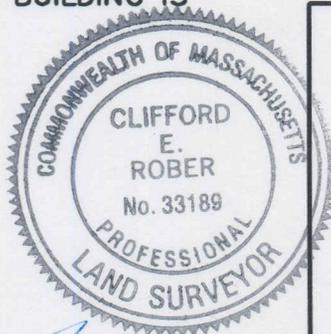
KIPLING ROAD



PROP. LOT COVERAGE = 14.8%

OWNER: PATRICE & ROBERT KESTER

I HEREBY CERTIFY THAT THE BUILDING IS
LOCATED AS SHOWN.

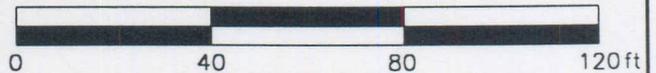


Clifford E. Rober
CLIFFORD E. ROBER, PLS DATE 8/6/01

THIS PLAN MAY HAVE BEEN ALTERED IF
THE SIGNATURE IS NOT SIGNED IN BLUE.

PROPOSED PLOT PLAN
#41 KIPLING ROAD
IN
WELLESLEY, MA
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