

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2002 FEB 20 A 8:18

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ZBA 2002-6

Petition of Paul and Michelle Lane
18 Edmunds Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 31, 2002 in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of PAUL AND MICHELLE LANE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required right and left side yard setbacks, at 18 EDMUNDS ROAD, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition and reconstruction of a 7 foot by 9.8 foot portion of the existing nonconforming deck with less than the required left side yard setback.
2. Enclosure of a 7 foot by 14 foot portion of the existing nonconforming deck with less than the required left side yard setback, and incorporation into the internal structure of the dwelling.
3. Construction of a 7 foot by 14 foot second story addition above the enclosed portion of the deck with less than the required left side yard setback.

None of the construction will result in a change in the footprint.

On January 14, 2002, 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 Paul Lane, who said they would like to modernize their kitchen by extending it into a 7 foot by 14 foot portion of the existing deck and add a second story above the kitchen expansion to increase the size of a bedroom on the second floor. The second story addition would not extend the entire length of the house, but will stop at a window they do not want to cover. The addition will run 14 feet from the rear of the house along the left side, leaving about 10 feet of deck extending from about the middle to the front of the house on that side. The driveway runs along the left side of the house.

The Board asked if the left side abutters had been contacted. Mr. Lane said the Tillmans, who are the left side abutters, had no objections.

The Board asked if Mr. Lane had considered the possibility of constructing the addition at the rear of the house. Mr. Lane said that had been discussed, but the driveway wraps behind the house leading to a two-car garage under the house on the left rear side.

The Board noted the Planning Board had opposed the granting of the Special Permit because the addition is very close to the side line, and it appeared that other options were available to the applicant. However,

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Planning Board members had not done a site visit, and did not realize that the Tillman house is sited at a distance of about half a lot from the Lane property.

Mr. Lane said the Tillman land provides a buffer. The footprint of the house will not increase, nor will the addition come any closer to the left side line.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 18 Edmunds Road, in a 20,000 square foot Single Residence District, on a 10,910 square foot lot, and has a minimum left side yard setback of 11.1 feet from the left rear corner of the structure.

The petitioners are requesting a Special Permit/Finding that the demolition and reconstruction of a 7 foot by 9.8 foot portion of the deck with a minimum left side yard setback of 15.2 feet; enclosure and incorporation into the internal structure of the dwelling of the remaining 7 foot by 14 foot portion of the deck with a minimum left side yard setback of 11.1 feet, and construction of a 7 foot by 14 foot second story above the enclosed porch, 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 December 28, 2001, stamped on December 31, 2001 by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 11/30/01, drawn by Richard Kublin of Kublin Kitchens & Remodeling Corp.; and photographs were submitted.

On January 29, 2002, the Planning Board reviewed the petition and opposed the granting of the request. The Board was of the opinion that the proposed addition is very close to the side line, and it would seem there were other options available to the applicant.

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 demolition and reconstruction of the 7 foot by 9.8 foot portion of the nonconforming porch, the enclosure and incorporation of the 7 foot by 14 foot nonconforming portion of the deck into the internal structure of the dwelling, and the construction of a second story 7 foot by 14 foot addition above the enclosed portion of the deck, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the project will neither intensify the existing nonconformance nor will new nonconformity be created as there will be no change in the footprint.

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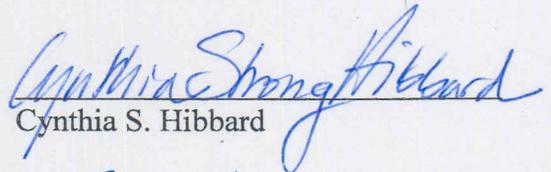
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition, reconstruction, enclosure and addition in accordance with the submitted plot plan and construction drawings.

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.

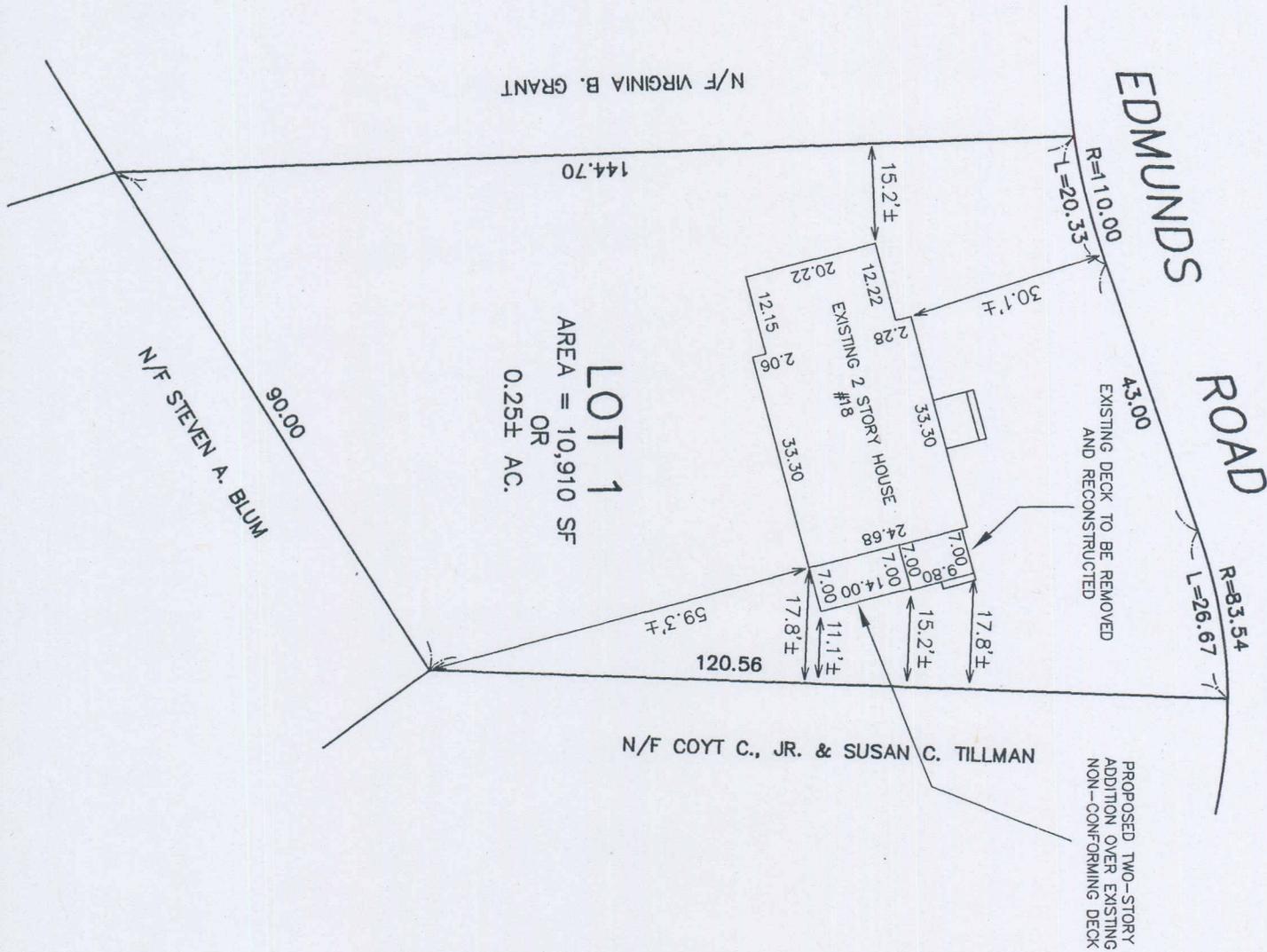
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg


Richard L. Seegel, Acting Chairman


Cynthia S. Hibbard


Robert W. Levy



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2002 JAN 14 A 8:59

PROPOSED PLOT PLAN WELLESLEY, MASS.

DATE: DECEMBER 28, 2001

SCALE: 1" = 20'

PREPARED FOR:

PAUL & MICHELLE LANE
18 EDMUNDS ROAD
WELLESLEY, MASS. 02481

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO.
21 GREEN STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.
AREA: 20,000 SF
FRONTAGE: 60 FT
SETBACK: 30 FT
SIDEYARD: 20 FT
REARYARD: 20 FT
MAX. LOT COVERAGE: 20%

EXISTING LOT COVERAGE = 1,289 SF OR 11.8%
PROPOSED LOT COVERAGE = 1,289 SF OR 11.8%

DEED BOOK 10941, PAGE 636
ASSESSORS MAP 85 LOT 16



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "C" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 250255 0005 B).