TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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2002 NOV 22 A 8:14
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2002-103
Petition of Philip and Rebecca Ivey
4 Arden Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 7, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of PHILIP AND REBECCA IVEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing enclosed one-story breezeway and family room, and construction of a 19.8 foot by 31.6 foot two-story addition with less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback, at 4 ARDEN ROAD, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 17, 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 Philip Ivey. The Board explained that the Iveys had withdrawn a prior petition without prejudice, and were returning with a new reduced proposal. The Planning Board had no objection to the granting of a Special Permit for the project.

The Board asked where the driveway was located. Mr. Ivey said it entered from Benvenue Street. They have reduced the sized of the addition and trimmed the size of the deck.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 4 Arden Road, on a 15,455 square foot lot, in a 20,000 square foot Single Residence District, and has a minimum left side yard clearance of 12.8 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of an enclosed breezeway and family room, and construction of a two-story 19.8 foot by 31.5 foot addition with a minimum left side yard clearance of 17.4 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated August 4, 2002, revised October 15, 2002; Existing and Proposed Floor Plans and Elevations dated 10/11/02, drawn by Dan O'Connor; and photographs were submitted.

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On September 12, 2002, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability for the project, since the proposed work in the 100 foot buffer zone will not affect the wetlands.

On October 22, 2002, the Planning Board reviewed the petition and had no objection to granting the request.

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 of the existing breezeway and family room and construction of the two-story 19.8 foot by 31.5 foot addition with a minimum left side yard clearance of 17.4 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformance, nor will it create new nonconformity as it is less nonconforming than the existing structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the breezeway and family room and construction of the two-story addition in accordance with the revised plot plan and the 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 WITHING 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

David G. Sheffield

Robert W. Levy

Cc: Planning Board
Inspector of Buildings
edg

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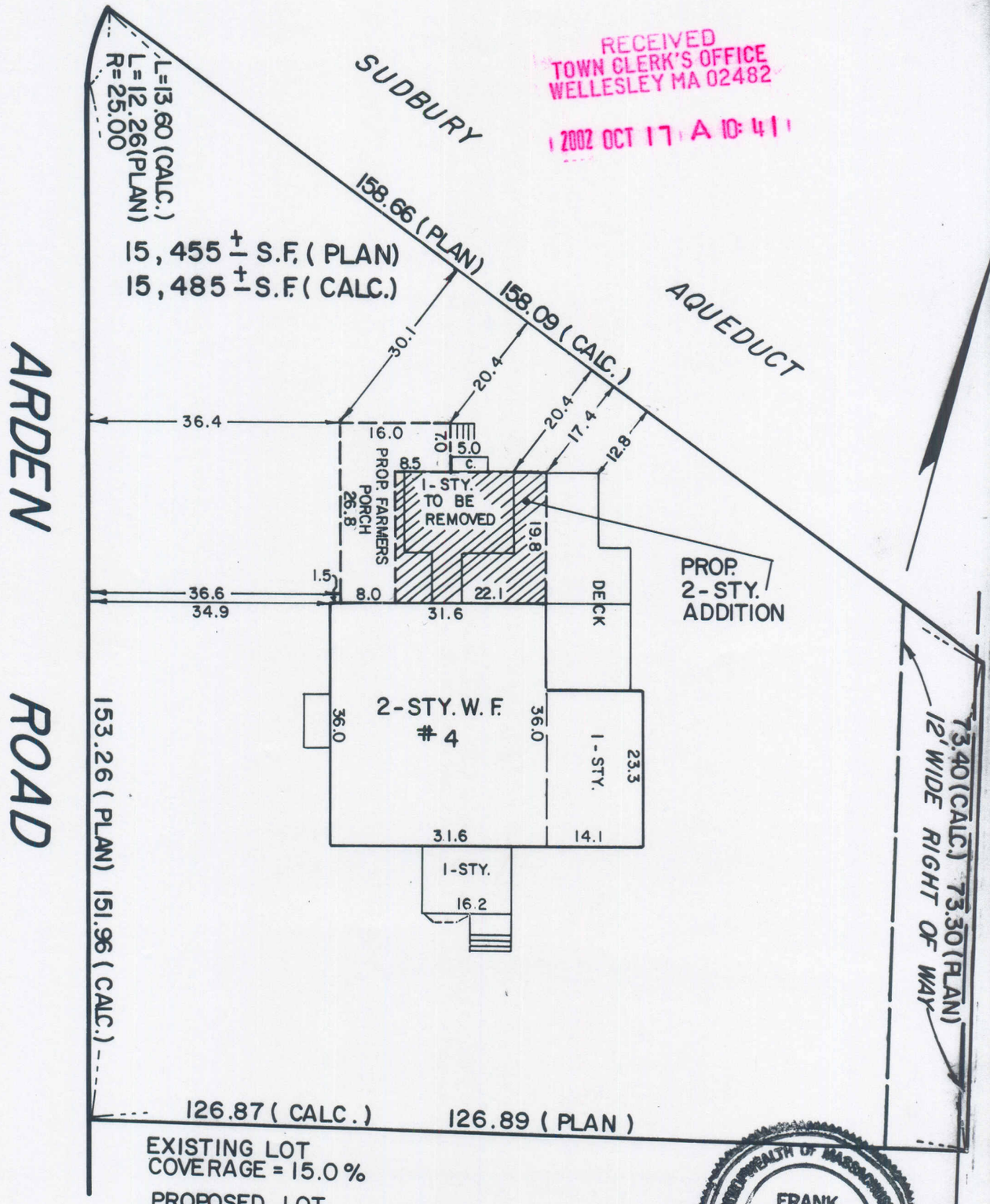

EXISTING LOT COVERAGE = 15.0 %

PROPOSED LOT COVERAGE = 18.0 %

COMMONWEALTH OF MASSACHUSETTS
FRANK IEBBA
No. 37134
PROFESSIONAL LAND SURVEYOR

617-965-3975
781-553-0299

PLAN OF LAND IN WELLESLEY, MASS.

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

REVISED OCT. 15, 2002
AUGUST 4, 2002
NEWTON, MASS.