

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2003-31  
Petition of Leslie Miller and Debi Benoit  
16 Clark Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 3, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of LESLIE MILLER AND DEBI BENOIT requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 54.9 foot by 25.8 foot conforming addition, which will connect the rear of their conforming dwelling to a nonconforming 20 foot by 22 foot one-story garage with less than the required left side yard setback, at their property at 16 CLARK 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 March 17, 2003, 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 Kevin Caldwell, of Christopher Hall Architects, representing the petitioners, who also were present.

Mr. Caldwell said they are proposing a conforming addition, which will attach to an existing nonconforming garage, to give their clients the ability to directly access the house from the garage through the mudroom.

The Board stated that because the addition would create a large mass connected to the house and garage, a condition stating that no second story ever be built above the garage would be required.

The Board said there was no mention of the height of the addition, which is important as the land at the rear of the house drops off considerably. Mr. Caldwell said the height of the addition will be slightly lower than the existing ridgeline of the main house.

The Board said the elevation drawing shows that the addition is lower than the house, but not whether the height of the house is conforming. There are no measurements on the drawing. It appears to be conforming, but submission of an elevation drawing showing the height measurement to the ridgeline of the addition roof, with a note as to the height from average mean ground would be required prior to the issuance of a building permit.

No other person present had any comment on the petition.

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Statement of Facts

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The subject 25,492 square foot property is located at 16 Clark Road, in a 20,000 square foot Single Residence District, and contains a two-story conforming dwelling and a 22 foot by 20 foot nonconforming detached garage with a minimum left side yard setback of 5.4 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a two-story 54.9 foot by 25.8 foot conforming addition, connecting the rear of their conforming dwelling to their nonconforming detached garage with a minimum left side yard setback of 5.4 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated March 7, 2003, stamped by Frank Iebba, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations (EX1-7 and A1-7), dated 12/12/02, stamped by Christopher H. Hall, Registered Architect; and photographs were submitted.

On March 25, 2003, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject garage to which the conforming two-story 54.9 foot by 25.8 foot addition will be connected 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 construction of the two-story 54.9 foot by 25.8 foot conforming addition connecting the conforming dwelling to the nonconforming garage shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither intensify the existing nonconformance, nor shall it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the two-story addition in accordance with the submitted plot plan and construction drawings, subject to the following conditions:

1. Prior to the issuance of a building permit, an elevation drawing showing a height measurement to the ridgeline of the addition roof with a note as to the height of the ridgeline from average mean ground shall be submitted to the office of the Board of Appeals.
2. No second story shall ever be built above the existing one-story nonconforming garage.
3. The minimum left side yard setback of 5.4 feet of the nonconforming garage shall not be used as a basis for a Special Permit for any further construction on the left side of the structure.

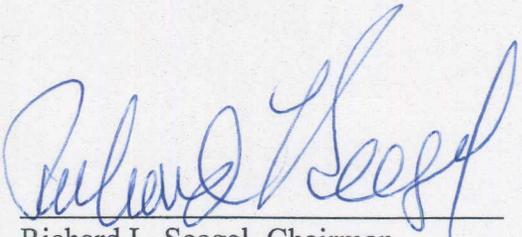
Subsequent to compliance with Condition 1, the Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

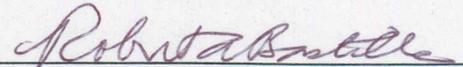
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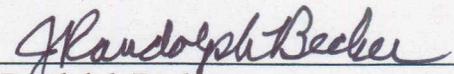
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

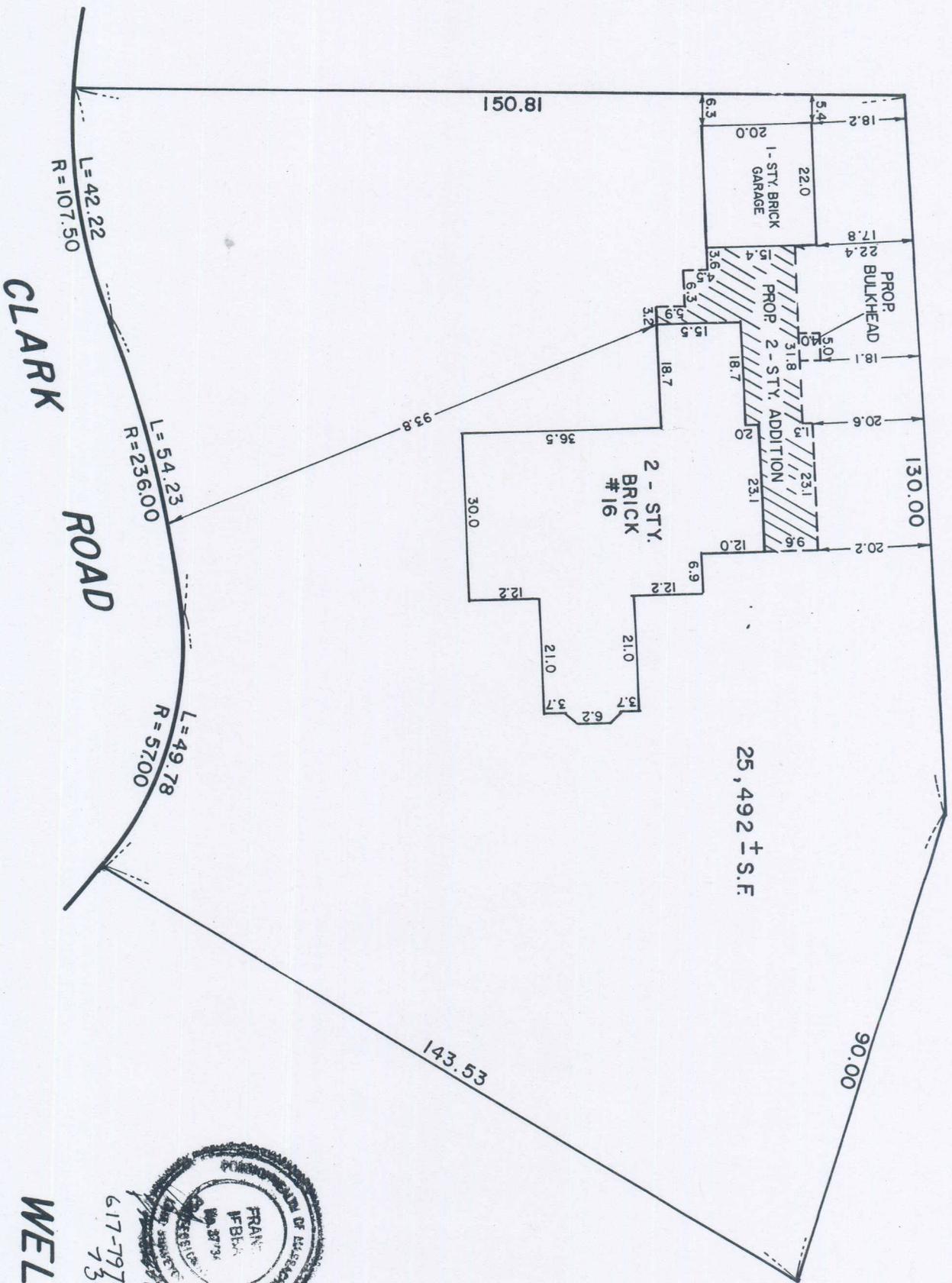
Cc: Planning Board  
Inspector of Buildings  
edg

  
Richard L. Seegel, Chairman

  
Robert A. Bastille

  
J. Randolph Becker

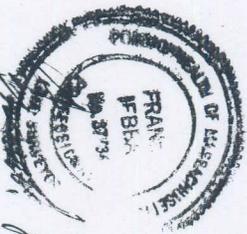
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25,492 ± S.F.

AREA = 25,492 ± S.F.  
 EXISTING LOT COVERAGE = 10.5 %  
 PROP LOT COVERAGE = 13.2 %  
 RECORD OWNER :  
 LESLIE I. MILLER &  
 DEBI BENOIT

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617-797-PLAN OF LAND  
 IN  
 7342

WELLESLEY, MASS.

SCALE : 1" = 20'  
 ESSEX ENGINEERING & SURVEY

MARCH 7, 2003  
 NEWTON, MASS.