

**ZONING BOARD OF APPEALS**

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ZBA 2005-06

Petition of Ben Stevens of Trask, Inc.
88 Edgemoor Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 10, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of BEN STEVENS OF TRASK, INC., requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of the existing nonconforming dwelling and garage, construction of a 39 foot by 59 foot two story dwelling which will conform to required setbacks, on an 8,000 square foot lot, in a district in which the minimum lot size is 10,000 square feet, at 88 EDGEMOOR AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 28, 2004, 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 Ben Stevens, who said that he is the owner of 88 Edgemoor Avenue. He said that the lot is 8,000 square feet. The Board said that the application listed Mr. Henry as the owner of the property. Mr. Stevens said that he has since acquired the property.

Mr. Stevens said that the existing house has nonconforming front and side yard setbacks. He said that the existing house is 15 feet from the left side lot line and the existing two car detached garage is about six or seven feet from the right side lot line. He said that the proposed structure will fit within the required setbacks.

The Board confirmed that the garage will not be closer to the front lot line than the house. Mr. Stevens said that they are proposing to jog the garage back 2 feet from the front of the house.

The Board said that there is a large house to the right of 88 Edgemoor Avenue but that many of the other houses in the immediate neighborhood are small camp-type houses.

Mr. Stevens said that he had a photograph of the house on the property that abuts to the north. He said that he believes that house is approximately the same size and height as what he is proposing to build.

The Board said that it was difficult to calculate lot coverage because of the design of the structure. The proposed lot coverage shown on the plot plan was 24.9%. Mr. Stevens said that lot coverage would be 25%. He said that the proposed structure would be 2,000 square feet; 480 square feet for the garage, 350 for family room, and 1170 for the first floor.

The Board said that Mr. Stevens is proposing to build a large house on an undersized lot, which would create a lot more mass. Mr. Stevens said that he designed a hip roof to reduce the massing. The Board said that there may be other ways to make the house appear smaller.

The Board said that nothing was shown on the plans beyond the sliding doors at the rear of the structure. Mr. Stevens said that there would be a brick patio at grade. He said that there will be two granite steps leading down to the patio.

James Krasner, 32 Edgemoor Avenue, said that he thought that the goal for Edgemoor Avenue should be that there be a place in Wellesley where you can build a house to sell for under \$1 million. He asked that the Board consider making their recommendations for building on 8,000 square foot lots with the goal in mind of building new houses for young families. Mr. Krasner said that large houses built out to the maximum lot coverage should not be the standard.

The Board said that the existing structure is nonconforming for several reasons, not just the setbacks. The Board has to determine if the proposed structure will be more nonconforming and if it will be substantially more detrimental to the neighborhood than the existing structure.

The Board said that the nonconformity for the proposed structure would be lot size only. The proposal would not increase that nonconformity.

The Board said that the neighborhood is changing. Large houses have been built there.

The Board said that it would place a condition on the Special Permit that there be no habitable space on the third floor and that detailed calculations of the lot coverage be submitted to the Board.

Statement of Facts

The subject property is located at 88 Edgemoor Avenue with a minimum left side yard setback of 15 feet, a minimum right side yard setback of 4 feet, a minimum front yard setback of 20 feet, on an 8,000 square foot lot, in a district in which the minimum lot size is 10,000 square feet.

The petitioner is requesting a Special Permit/Finding that demolition of the existing nonconforming dwelling and garage, construction of a 39 foot by 59 foot two story dwelling which will conform to required setbacks, on an 8,000 square foot lot, in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 12/7/04, stamped by Joseph R. Sullivan, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 12/20/04, drawn by Drawings Unlimited Ltd., and photographs were submitted.

On February 1, 2005 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 Public 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 demolition of the existing nonconforming dwelling and garage with a minimum left side yard setback of 15 feet, a minimum right side yard setback of 4 feet and a minimum front yard setback of 20 feet, construction of a 39 foot by 59 foot two story dwelling which will conform to required setbacks, on an 8,000 square foot lot, in a district in which the minimum lot size is 10,000 square 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.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for the demolition of the nonconforming dwelling and garage, and construction of the 39 foot by 59 foot dwelling, subject to the following conditions:

1. there be no habitable space on the third floor
2. detailed calculations of the lot coverage be submitted.

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.

Cynthia S. Hibbard, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm