

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-31
Petition of Sarah Lorden
18 Bryn Mawr Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 14, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of SARAH LORDEN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 22.7 foot by 27.1 foot two story addition with less than required left side yard and right side yard setbacks, at the nonconforming dwelling with less than required left side yard, right side yard, front yard and rear yard setbacks, on a 5,000 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.

On March 30, 2005, 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 John Maxwell, who said that his wife, Sarah Lorden, purchased the property several years ago. She grew up in the neighborhood. Both of them work for the Town of Wellesley at the Bates School, which is within walking distance from Bryn Mawr Road. They are asking to put an addition on the side and back of their home to accommodate an expanding family. Their intention is to maintain the front view of the home as much as possible to preserve the character of the neighborhood.

The Board said that the Planning Board had no objection to granting the request.

The Board said that on the plot plan the addition extends along the 9.8 foot side setback. On the construction drawings, the addition is set in about one foot on both sides. Mr. Maxwell said that the constructions drawings are correct. The Board said that a corrected plot plan should be submitted.

The Board said that the garage is fenced off with a picket fence and asked if it is used only for storage. Mr. Maxwell said that it is only used for storage.

Statement of Facts

The subject property is located at 18 Bryn Mawr Road, with a minimum front yard setback of 29.4 feet, a minimum left side yard setback of 9.8 feet, and a minimum right side yard setback of 12.1 feet, on a 5,000 square foot lot, in a district in which the minimum lot size is 10,000 square feet.

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The petitioner is requesting a Special Permit/Finding that construction of a 22.7 foot by 27.1 foot two story addition with a minimum left side yard setback of 9.8 feet, a minimum right side yard setback of 12.1 feet, on a 5,000 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 3/20/05, stamped by Peter M. Ditto, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 2/10/05, drawn by John Staniunas Architects, and photographs were submitted.

On April 5, 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 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, although construction of a 22.7 foot by 27.1 foot two story addition with a minimum left side yard setback of 9.8 feet, a minimum right side yard setback of 12.1 feet, on a 5,000 square foot lot, in a district in which the minimum lot size is 10,000 square feet, is increasing the nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the 22.7 foot by 27.1 foot two story addition, subject to the following condition:

1. Submittal of a revised plot plan showing the inset of the addition from the left side lot line at 10.8 feet.

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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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

Robert A. Bastille

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm