

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-36
Petition of Brian and Colleen Hickman
4 Solon Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 12, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of BRIAN AND COLLEEN HICKMAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition and reconstruction of an existing 14 foot by 20 foot one-story garage, construction of a 7.5 foot by 14 foot second story over the garage, with less than required left side yard setback, on a 6,368 square foot lot, in a district in which the minimum lot size is 10,000 square feet, at 4 SOLON STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 25, 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 Brian Hickman, who said that they are proposing to create more living space on the second floor of a small house. They have two young daughters and sharing one bathroom is difficult. They would like to put in a master bedroom and convert a third bedroom into office space. Mr. Hickman said that are considering putting a basement under the garage.

The Board asked if they are planning to change the footprint. Mr. Hickman said that they are not.

Mr. Hickman said all of the neighbors have verbally supported the plans.

The Board asked about the addition at the roofline. Mr. Hickman said that design was based on aesthetics. Mr. Hickman said that there may have been a patio there at some point in the early 1900's when the house was built. He said that they would like to taper the roofline so that the front and back match.

The Board discussed the assessed map area and calculated lot area on the plot plan and concluded that the difference is not uncommon. The surveyor may have used the Assessor's Map as the base.

The Board asked if the proposed cantilever was for a fireplace. The Board asked if the cantilever would be suspended above ground. Mr. Hickman said that the suspended cantilever will be for a gas fireplace. The Board asked about the slope of the roof over the gas fireplace. Stephanie Allen, Architect, said that the roofline over the fireplace would be flat.

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

Statement of Facts

The subject property is located at 4 Solon Street, on a 6,368 square foot lot, in a district in which the minimum lot size is 10,000 square feet, and has a minimum left side yard setback of 14.4 feet, a minimum right side yard setback of 9 feet, and a minimum front yard setback of 22 feet.

The petitioner is requesting a Special Permit/Finding that demolition and reconstruction of an existing 14 foot by 20 foot one-story garage, construction of a 7.5 foot by 14 foot second story over the garage, with a minimum left side yard setback of 14.4 feet, on a 6,368 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 3/17/05, stamped by Carmelo Frazetti, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/10/05, Basement Plan and amended Rear Elevation Drawing, dated 4/15/05, drawn by Allen-Pavlidis, and photographs were submitted.

On May 10, 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 demolition and reconstruction of an existing 14 foot by 20 foot one-story garage, and construction of a 7.5 foot by 14 foot second story over the garage 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 demolition and reconstruction of an existing 14 foot by 20 foot one story garage, and construction of a 7.5 foot by 14 foot second story over the garage.

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

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm