

**ZONING BOARD OF APPEALS**

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ZBA 2005-38

Petition of Paul and Lynne McDonough
21 Ordway Road

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 PAUL AND LYNNE MCDONOUGH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 975 square foot two-story addition, with less than required right side yard setback, in a 20,000 square foot Single Residence District, at 21 ORDWAY ROAD, 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 Paul McDonough, who said that they are seeking to build an addition off of the back of the house. The existing garage is 15.6 feet from the right side lot line. The proposed structure will be 15.6 feet from the right side lot line. He said that the proposed addition on the right side is a family room that would have a railing above the flat roof.

Mr. McDonough said that they had reviewed their plans with the neighbors on the right side, the McNamaras, and they are supportive of the project.

Mr. McDonough said that the proposed design conforms well with the existing house. He believes it will improve the look of the house from the exterior.

The Board said that the plans do not appear to have a scale on them. The Board would like to see some sort of orientation, either a north arrow or street names on the plans.

The Board said that there is a yard storage shed shown on the plans. The Board asked why that was located on the right side of the structure. Mr. McDonough said that the two-car garage is very tight. There is little room for storage. They would like to have storage capacity for bikes, sports equipment and trash. They currently store those things in one bay of their garage.

The Board said that the addition steps back and would be 17.5 feet from the right side lot line. The Board expressed concern that they would be using up space in the setback by putting the shed on the side. With the doors opened, it would encroach another 3 feet into the setback. The Board asked if it would be possible to have an entrance to that area from within the garage.

Mr. McDonough said that there are a lot of trees along the property line on that side. He said that the McNamaras were not concerned about having the yard storage shed where it was proposed. He said that the way that the McNamaras use their house, they are not often looking that way. They would see the trees and other vegetation.

Mr. McDonough said that the yard storage area would be useful to them. They do not plan to take the wall all of the way back. There is a step back to the family room.

The Board said that it has to take care that this will be acceptable for all future uses. The Board said that it would prefer that the shed not be located in the right side setback area.

The Board said that there is a door in the garage that is shown on drawing EP1 but not on drawing FP1. Mr. McDonough said that their proposal is to have a doorway at the back of the garage, away from the doors of the cars. They would like to be able to move from the kitchen area to the storage area and out into the side yard without having to open up the garage bays. The Board said that the door should be shown on all of the plans.

The Board asked if it would be an in-swinging door. Mr. McDonough said that it probably would be out-swinging because the garage space is extremely tight. Mr. Keohane, of Keohane Construction, said that the difficulty is that it is actually a one and one-half-car garage.

The Board said that during construction it would be difficult to access the east side. Mr. Keohane said that construction equipment will be brought in from the other side.

The Board commented that the property slopes down in the back. Mr. McDonough said that it steps down so that the back of the property is lower than just behind the back of the house.

The Board asked if they were proposing to construct a wood fireplace. Mr. McDonough said that it would be a brick or masonry wood fireplace going down to the basement. The Board said that wall presented to the neighbors would be fairly blank. The Board commented that it might be of aesthetic value to continue the brick to the ground to break up the façade.

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

The Board said that it could allow the petition with the condition that there be no second floor over the family room, that the yard storage shed not be located in the proposed area to better preserve the setback, and that plans be re-submitted showing the door in the garage, scale and orientation.

Mr. Keohane asked if they could have a door to the storage area since the yard storage area will not be there. The Board said that they could put a door there.

Statement of Facts

The subject property is located at 21 Ordway Road, in a 20,000 square foot Single Residence District, with a minimum right side yard setback of 15.6 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 975 square foot two-story addition, with a minimum right side yard setback of 15.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/8/05, stamped by Todd P. Chapin, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/12/05, drawn by Keohane Construction, 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, although construction of a 975 square foot two story addition with a minimum right side yard setback of 15.6 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 a 975 square foot two story addition, subject to the following conditions:

1. Construction of a second story over the family room is not allowed.
2. The yard storage shed shall not be located in the setback area.
3. Construction plans be submitted showing the door in the garage, scale and orientation.

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