

**ZONING BOARD OF APPEALS**

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

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TELEPHONE
(781) 431-1019 EXT. 208

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ZBA 2005-45
Petition of Langdon Andrews
56 Woodside Avenue

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 LANGDON ANDREWS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition and deck with less than required left side yard setback, and construction of a porch with less than required front yard setback, on a 7,658 square foot lot, in a district in which the minimum lot size is 10,000 square feet, at 56 WOODSIDE AVENUE, 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 were Ria Stolle and Langdon Andrews, who said that the plans had been revised to show that the proposed addition will meet the setback requirements on the left side. They would like to put a foundation at the back end of the house. They would also like to extend the second floor of the existing house to add some room and match the rooflines. Mr. Langdon said that the neighbors are happy that they will be working on the house. The plan is to make the house more consistent with the neighborhood.

The Board said that it would have to make a finding because they have an undersized lot. The second floor addition would be within the setback on the right hand side.

The Board said that a new plot plan should be submitted showing the setback from the structure to the right side lot line.

Ms. Stolle and Mr. Andrews said that they had spoken with their neighbors. They submitted a letter signed by eight abutters who said that they fully support the renovations.

The Board asked if the cars are parked on the existing driveway. Mr. Andrews said that they are.

The Board said that there are some very large trees on the property. They have a sizeable house with about 65 feet of sidewall. Mr. Andrews said that they put in a couple of juts to break the façade up.

The Board said that there is a larger house on the right hand side.

The Board asked how tall the house would be at the back. J.P. Parnas, Architect, said that the addition would be 30 feet high. The Board confirmed that the existing structure is 28 feet high and the proposed addition would be 30 feet in height from the average finished grade.

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

Since Woodside Avenue is an unaccepted street the applicant will need to have a review of adequacy of way prior to construction.

The Board asked if the petitioners were familiar with the need for this review. Mr. Andrews said that he had spoken with the Planning Department and was told that Department of Public Works and the Municipal Light Plant will need to review the adequacy for water and electricity, and accessibility for fire equipment. Mr. Andrews said that Ms. Stolle had petitioned the neighborhood to have the street accepted. Ms. Stolle said that she has had a good response from the neighbors.

The Board said that it could allow the petition with the condition that a plot plan be submitted showing the existing and proposed dimension of the structure on the right rear side to the lot line and that the proposed addition comes no closer than 12.9 feet to the right side lot line.

Statement of Facts

The subject property is located at 56 Woodside Avenue, on a 7,658 square foot lot, in a district in which the minimum lot size is 10,000 square feet, with a minimum right side yard setback of 12.5 feet, and a minimum front yard setback of 29.8 feet.

The petitioner is requesting a Special Permit/Finding that construction of a two-story addition, with a minimum right side yard setback of 12.5 feet, and construction of a porch with a minimum front yard setback of 29.9 feet, on a 7,658 square foot lot, in a district in which the minimum lot size is 10,000 square feet, at 56 WOODSIDE AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/3/05, stamped by James J. Abely, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/4/05, drawn by Jean-Pierre Parnas, 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 two-story addition with a minimum right side yard setback of 12.5 feet, and construction of a porch with a minimum front yard setback of 29.9 feet, on a 7,658 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.

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

1. A plot plan be submitted showing the existing and proposed dimension of the structure on the right rear side to the lot line and that the proposed addition comes no closer than 12.5 feet to the right side lot line.

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