

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-50
Petition of Paul & Michelle Lane
18 Edmunds Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 9, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of PAUL AND MICHELLE LANE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story over an existing nonconforming 12 foot by 20 foot family room, with less than required right side yard setback, at 18 EDMUNDS ROAD, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 23, 2005, 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 Paul Lane, who said that he lives at 18 Edmunds Road with his wife, Michelle. He said that there is an existing family room on the first floor and they are looking to build a bedroom over that. They will not be changing the footprint and the roofline will be slightly lower than the existing roofline. He said that he had presented the Board with a letter from his neighbors, the Chryssicas. He had shown them his plans and talked them through the process. The neighbors indicated that they are supportive of the project.

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

The Board said that the topography of the lot worked in their favor and the addition should fit in nicely.

The Board asked there is adequate foundation under the family room to add a second floor. Mr. Lane said that there is. He said that the family room has been there for a number of years.

The Board said that it appears that the family room was not part of the original house. Mr. Lane said that he was told anecdotally that it was not part of the original house. He said that they have lived there for about ten years. He thought that the room was added in the 1950's or 1960's. He said that the house has been there since 1928.

Statement of Facts

The subject property is located at 18 Edmunds Road, in a 20,000 square foot Single Residence District, and has a minimum right side yard setback of 15.2 feet and a minimum left side yard setback of 11.2 feet.

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The petitioner is requesting a Special Permit/Finding that construction of a second story over an existing nonconforming 12 foot by 20 foot family room, with less than required right side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/17/05, stamped by Terrence M. Ryan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/13/05, drawn by Robert E. May, Jr., and photographs were submitted.

On June 7, 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 second story over an existing nonconforming 12 foot by 20 foot family room, with less than required right side yard setback 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 second story addition.

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.

Richard L. Seegel, Chairman

Robert A. Bastille

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm