

**ZONING BOARD OF APPEALS**

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

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DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208ROBERT A BASTILLE
J. RANDOLPH BECKER
ROBERT W. LEVY

ZBA 2005-55
Petition of Evan Grace
16 Glen Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of EVAN GRACE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 4 foot by 29.8 foot one story addition, construction of a 9 foot by 19.6 foot two story addition with less than required left side yard setback, and construction of a 4.5 foot by 16.8 foot second story balcony, on a 9,100 square foot lot, in a district in which the minimum lot size is 15,000 square feet, at 16 GLEN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 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 Evan Grace, who said that their lot is 9,100 square feet. He said that the kitchen with a sunroom above it extends slightly beyond the other side of the house where there is a small family room with a small bedroom above it. He said that they would like to extend the family room and make the small bedroom a master bedroom with a small bath. Mr. Grace said that they have two small children. He said that they currently share one bathroom among three bedrooms.

Mr. Grace said that they were careful to preserve the character of their 1899 home. They did not want to have an obvious addition. They wanted the new space to blend well on the interior and exterior. Mr. Grace said that the new windows will resemble the existing windows.

Mr. Grace said that they will not be moving any further into the left setback.

The Board said that the dimensions for the left side yard to the corners of the house on the plot plan are 16.9 and 17.2 feet. The Board said that the dimension of the back corner of the addition is also shown as 17.2 feet. The Board said that since the 16.9 and 17.2 indicate that the side of the house and the lot line are not parallel, either the 17.2 at the back corner has a break in the wall or it is greater than 17.2 feet. Peter Sachs, Architect, said that dimension should be greater than 17.2 feet.

The Board said that this is a modest addition in terms of square feet. Mr. Grace said that they did not want to consume too much of the backyard.

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

Statement of Facts

The subject property is located at 16 Glen Road, on a 9,100 square foot lot in a district in which the minimum lot size is 15,000 square feet, with a minimum left side yard setback of 16.9 feet and a minimum right side yard setback of 18.8 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 4 foot by 29.8 foot one story addition, construction of a 9 foot by 19.6 foot two story addition with a minimum left side yard setback of 17.2 feet, and construction of a 4.5 foot by 16.8 foot second story balcony, on a 9,100 square foot lot, in a district in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/14/05, stamped by Todd P. Chapin, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/14/05, drawn by Peter Sachs Architect, and photographs were submitted.

On June 28, 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 9 foot by 19.6 foot two story addition with a minimum left side yard setback of 17.2 feet is increasing the nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

It is the finding of this Authority that construction of a 4 foot by 29.8 foot one story addition and construction of a 4.5 foot by 16.8 foot second story balcony, on a 9,100 square foot lot, 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 construction of a 4 foot by 29.8 foot one story addition, construction of a 9 foot by 19.6 foot two story addition, and construction of a 4.5 foot by 16.8 foot second story balcony.

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

J. Randolph Becker

cc: Planning Board
Inspector of Buildings
lrm