

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2005-61

Petition of Elizabeth and David McDonough
5 Lafayette Circle

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 11, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of ELIZABETH AND DAVID MCDONOUGH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of 10.1 foot by 15 foot one story addition with less than required left side yard setback, in a 10,000 square foot Single Residence District, at 5 LAFAYETTE CIRCLE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 25, 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 were David and Elizabeth McDonough, who said that they are proposing to construct a 10 foot by 8 foot addition in the left side yard setback. Mr. McDonough said that there is an existing garage that has a 9.8 foot left side yard setback. The addition will be set behind the garage so that it will not be seen from the front of the house.

The Board confirmed that the construction plans being discussed were dated 18 July 2005.

The Board said that on drawing A 3 the elevation is labeled as right side and should be labeled as left side.

The Board said that the Zoning District is labeled as R-40 on the plan and should be labeled as SR 10.

The Board said that the addition is very close to the left side property line. The Board noted that the petitioners and the neighbors both have garages there. Ms. McDonough said that there is a fence and some trees there. Mr. McDonough said that their plan is to put in some hedges.

The Board asked if the trees will be preserved during construction. Ms. McDonough said that they will be.

The Board asked if there were plans to make substantial alteration to what appears to be a steep grade out back. Ms. McDonough said that there is a flat area out back that leads to a wall with a hill behind it. Mr. McDonough said that there will be 20 feet from the addition to the wall.

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Statement of Facts

The subject property is located at 5 Lafayette Circle, in a 10,000 square foot Single Residence District, with minimum left side yard setback of 9.8 feet and a minimum right side yard setback of 8.7 feet.

The petitioner is requesting a Special Permit/Finding that construction of 10.1 foot by 15 foot one story addition with a minimum left side yard setback of 11.8 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/14/05, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/18/05, drawn by Streibert Associates - Architects, and photographs were submitted.

On July 27, 2005 the Planning Department staff 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 10.1 foot by 15 foot one story addition with a minimum left side yard setback of 11.8 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 10.1 foot by 15 foot one story addition, subject to the following condition:

1. Construction drawings, A1 and A3, be resubmitted showing corrected labels for the left side elevations and the correct Zoning District.

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.

J. Randolph Becker, Acting Chairman

Robert A. Bastille

Cynthia S. Hibbard

cc: Planning Board
Inspector of Buildings
lrm