

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A BASTILLE
J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY

ZBA 2005-81
Petition of Kristi Feinzig
45 Martin Road

Petition of KRISTI FEINZIG requesting a Special Permit/Finding pursuant to the provisions of Section XVII and XXV of the Zoning Bylaw that demolition and reconstruction of an existing 19 foot by 10.7 foot nonconforming garage with less than required left side yard setback, construction of a 4 foot by 10.7 foot two-story addition and construction of a 9.5 foot by 21.8 foot porch with less than required left side yard setbacks, at 45 MARTIN ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 17, 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 Adam Feinzig who said that present with him was Paul Spurling, Architect.

The Board said that there are no dimensions on the elevation drawings for the portico on the front side of the house. Mr. Spurling said that the proposed portico will be on the existing 3.6 by 5 foot landing. The Board said that a revised plot plan should be submitted showing the dimensions of the landing.

The Board said that the bulkhead should also be shown on the plot plan.

The Board said that the existing basement plan shows a dotted rectangle for the foundation of the garage. The Board asked for an explanation of the work to be done to remove and rebuild the garage. Mr. Spurling said that the garage foundation is a slab and that they do not know how deep it goes. He said that they do not believe it will support any structure above it. He said that the house was built in 1939. The Board confirmed that the proposal is to take off the roof and walls, and take out the foundation. Mr. Spurling said that they would like rebuild the garage and add two feet to the back to support the second floor. The two feet will add to the kitchen space on the first floor. Mr. Spurling said that there will be no basement under the garage.

Statement of Facts

The subject property is located at 45 Martin Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 11.2 feet and a minimum right side yard setback of 15.3 feet.

ZBA 2005-81
Petition of Kristi Feinzig
45 Martin Road

The petitioner is requesting a Special Permit/Finding that demolition and reconstruction of an existing 19 foot by 10.7 foot nonconforming garage with a minimum left side yard setback of 11.2 feet, construction of a 4 foot by 10.7 foot two-story addition with a minimum left side yard setback of 11.2 feet, and construction of a 9.5 foot by 21.8 foot porch with a minimum left side yard setback of 15 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/12/05, stamped by Peter G. Hoyt, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, drawn by Home Projects Inc., Spurling Thomas, and photographs were submitted.

On October 25, 2005, the Planning Board reviewed the petition and had no objection to granting the request.

On October 27, 2005, the Wetlands Protection Committee issued an Order of Conditions (DEP 324-506) for the project.

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 demolition and reconstruction of an existing 19 foot by 10.7 foot nonconforming garage, construction of a 4 foot by 10.7 foot two-story addition, and construction of a 9.5 foot by 21.8 foot porch is increasing a 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 demolition and reconstruction of an existing 19 foot by 10.7 foot nonconforming garage, construction of a 4 foot by 10.7 foot two-story addition, and construction of a 9.5 foot by 21.8 foot porch, subject to the following conditions:

1. A revised plot plan be submitted showing the correct dimensions of the front porch and bulkhead.
2. All conditions set forth in the Order of Conditions (DEP 324-506) issued by the Wetlands Protection Committee.

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.

ZBA 2005-81
Petition of Kristi Feinzig
45 Martin Road

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

David G. Sheffield

J. Randolph Becker

cc: Planning Board
Inspector of Buildings
lrm