

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2005-84
Petition of Robert and Leone Johnson
25 Earle Road

Petition of ROBERT AND LEONE JOHNSON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 16.3 foot by 34.8 foot one-story addition with basement with less than required right side yard setback, at 25 EARLE 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 November 22, 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 Robert and Leone Johnson, who said that they are looking to build off of the back of the house to get an expanded kitchen and a family room with a basement. Mr. Johnson said that they moved the addition in from the existing nonconforming setback of the house.

Ms. Johnson submitted a letter from the abutting neighbor in support of the project.

The Board said that dimensions on the plot and construction plans do not match. The surveyor may have measured to the foundation and the architect measured to the siding. The Board said that plans showing the correct dimensions should be submitted.

The Board said that the elevation drawing shows a concrete pad for an air conditioner. Ms. Johnson said that there is currently an air conditioner on that side. She said that they are not sure if they will be able to tap off of that air conditioner. The Board said that any new air conditioner cannot be set within the setback. Mr. Johnson said that any new air conditioning unit could be installed at the back or in the attic.

Statement of Facts

The subject property is located at 25 Earle Road, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 10 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 16.3 foot by 34.8 foot one-story addition with basement with a minimum right side yard setback of 14 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 10/24/05, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, drawn by D.F. Valente, and photographs were submitted.

On November 29, 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 16.3 foot by 34.8 foot one-story addition with basement 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 construction of a 16.3 foot by 34.8 foot one-story addition with basement, subject to the following condition:

1. Revised Construction Plans will be submitted showing the correct dimensions.

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