

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-04
Petition of JB Realty Trust
22 Croton Street

Petition of JB REALTY TRUST requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 1,745 square foot two-story addition with less than required right side yard setback, in a 10,000 square foot Single Residence District, at 22 CROTON STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 21, 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 Jan Gleysteen, who said that he is a Wellesley architect and he represents the owner, Jane Brock-Wilson.

Jane Brock-Wilson said that she has lived in Wellesley for 19 years. She said that she lives on Heckle Street which is a block away from the Croton Street property. She said that the Croton Street property has a lovely old home and her goal is to keep it.

Mr. Gleysteen said that the existing building has nonconformities of 15.8 to 16.8 feet in the side yard setback. He said that the house is at a slight angle to the property line. He said that the house was built in 1855 with an 1890 addition. He said that they are proposing to remove some later 20th Century additions built between 1970 and 1989. He said that they are proposing to build a new historic looking addition at the back of the original house. He said that they will be reducing the nonconformity from 16.8 to 18.6 feet. He said that a piece of the chimney is in the side yard setback.

The Board asked if the small piece that is currently 16.8 feet from the side lot line will be coming down. Mr. Gleysteen said that it will be coming down. He said that the dashed lines on the plot plan imply that it is to be removed.

The Board asked about the distance from the corner of the new construction to the side lot line. Mr. Gleysteen said that it is shown on the plot plan as 18.6 feet.

The Board asked if the air conditioning pads are going to be removed. Mr. Gleysteen said that they will be removed. He said that they are aware of the new regulations and that the units cannot be located in the setback area.

The Board said that there is a garden area and an overhang shown on the bottom right of the plot plan. It appears to be that the dimension of 18.6 feet further back was given for the overhang instead of the building. Mr. Gleysteen said that there is no overhang. He believes that it might be a misinterpretation by the surveyor. Mr. Gleysteen confirmed that the measurement is from the building to the side lot line.

The Board asked if the double line around the perimeter is a drawing convention. Mr. Gleysteen said that perhaps that was the roof line but he was not sure.

The Board said that chimneys are allowed to project into the setback by two feet.

Mr. Gleysteen said that in the original submission they have shown the rear corner of the house at 18.6 feet from the side lot line. He said that in subsequent drawings they have tightened that corner up so that it will meet the 20 foot setback requirement. He said that the only encroachment will be the chimney.

Mr. Gleysteen said that he has shown the plan to the Building Inspector who felt that because the existing house has a nonconformity, he would like to see action from the Board of Appeals. The Board said that the applicant will have to submit a revised plot plan to the Building Inspector.

The Board said that it cannot act on a plan that is not going to be used. Mr. Gleysteen said that the submitted plan can be used as the actual site plan. He said that they will build by that plan.

The Board asked if the shed is part of the garage. Mr. Gleysteen said that the entire shed/garage will be removed. The Board said that it will be a condition that the structures and the concrete pads be removed.

The Board asked about the left side yard. Mr. Gleysteen said that the house to the left is close to the side lot line. He said that the property may have been subdivided within a family. He said that in order to maintain the 20 foot side setback, a jog was created in the property line. The Board noted that the jog goes through an existing garden area.

The Board asked about the lot coverage calculations. The existing building coverage is said to be 8.58 percent and the proposed coverage is 14.79 percent. The Board asked if the existing coverage includes what is going to be demolished. Mr. Gleysteen said that it is his understanding that what is being demolished is included in the existing coverage calculations. The Board said that it is a large lot, over 28,000 square feet, and what they are proposing to do is to double what is there now.

The Board asked if they will be taking down the tower at the back. Mr. Gleysteen said that they will be. The Board said that will reduce the height of the structure. Mr. Gleysteen said that the tower is several feet taller than the main structure. He said that the new construction will be closer to the height of the main structure with a portion of the ridge approximately 1 ½ feet higher than the existing ridge.

The Board said that the front yard setback for the existing porch is 25.8 feet but that will be coming out. The setback for the proposed porch is 27.6 feet. Mr. Gleysteen said that it is a portico.

Statement of Facts

The subject property is located at 22 Croton Street, in a 10,000 square foot Single Residence District, with a minimum right yard setback of 15.8 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 1,745 square foot two-story addition with a minimum right side yard setback of 18.2 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 12/9/05, stamped by James W. Nieva, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings drawn by Jan Gleysteen, and photographs were submitted.

On January 4, 2006, the Planning Department 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 1,745 square foot two-story addition 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 1,745 square foot two-story addition, in accordance with the submitted plot plan and construction drawings, subject to the following conditions:

1. The air conditioning units and pads shall be located outside of the setback area.
2. Drawing revisions shall reflect conformity of the new construction.
3. The existing garage and shed shall be completely removed, including the concrete pads.
4. The portico shall not be enclosed and shall meet all dimensional and setback requirements.
5. The Board understands that the chimney may legally extend into the setback no more than two feet.

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

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm