

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-57

Petition of Tim Peltason and Jan Harris
7 Upland Road

Petition of TIM PELTASON AND JAN HARRIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that replacement of an existing second floor dormer and construction of a second floor deck over an existing nonconforming porch with less than required left side yard setback, on a 7,916 square foot lot, in a district in which the minimum lot size is 10,000 square feet, at 7 UPLAND ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 19, 2006, the petitioners 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 Alex Knox, who said that he is a registered architect representing Tim Peltason and Jan Harris in their effort to build a balcony to replace the existing dormer. He said that Tim Peltason and Mike McGee, the contractor, were also present at the hearing.

Mr. Knox said that he understood that a special permit was needed to change from an interior to an exterior use. He said that they have no knowledge of any abutting neighbors opposing the project.

The Board said that it is an undersized lot and the proposed alteration will encroach into the setback. The left side, right side, and front yard setbacks are nonconforming.

The Board said that the petition is proposing to work in an area that is well within the left setback. Mr. Knox said that they will not be building beyond the existing footprint.

The Board asked if the vertical plane of the new wall with the door is on the same plane as the two windows on the dormer that is there now. Mr. Knox said that they are in close proximity, within 6 inches of each other. He said that is shown on Sheet #4 of the drawings.

The Board asked if there is a step down from the floor inside to the deck. Mr. Knox said that there is. He said that they thought that was necessary to accomplish the flashing detail.

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Statement of Facts

The subject property is located at 7 Upland Road, with a minimum left side yard setback of 15.1 feet, and a minimum front yard setback of 19.8 feet, on a 7,916 square foot lot in a district in which the minimum lot size is 10,000 square feet.

The petitioner is requesting a Special Permit/Finding that replacement of an existing second floor dormer and construction of a second floor deck over an existing nonconforming porch with less than required left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/18/06, stamped by Alphonse D. Haley, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/7/06, drawn by Alex J. Knox, AIA, and photographs were submitted.

On June 20, 2006, the Planning Board reviewed the petition and had no objection to the granting of 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 replacement of an existing second floor dormer and construction of a second floor deck over an existing nonconforming porch shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for replacement of an existing second floor dormer and construction of a second floor deck over an existing nonconforming porch.

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

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm