

**ZONING BOARD OF APPEALS**

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DAVID G. SHEFFIELDLENORE R. MAHONEY
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TELEPHONE
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
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ZBA 2007-84
Petition of Linda Reineman
49 Arnold Road

Petition of LINDA REINEMAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing garage at the height of 15.5 feet and construction of a garage on the same footprint at the height of 21.2 feet, with less than required left side yard setbacks, in a 20,000 square foot Single Residence District, at 49 ARNOLD ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 26, 2007, 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 Betsy, Rosa, Architect, who said that she is representing Linda Reineman (the "Petitioner"). Ms. Rosa said that the lot is approximately 35,000 square feet. She said that the house complies to all Zoning requirements except for the side setback. She said that the proposal is to remove a sunroom and build an addition at the back of the house, fill in a breezeway, and make the breezeway a two-story structure.

Ms. Rosa said that the existing garage is in the setback area. The proposal is to add a second floor to the garage by raising the sidewall just over 3 feet, put a steeper pitch on the roof, and connect with the new roof over the breezeway addition.

Ms. Rosa said that Mr. and Mrs. Reineman have spoken with most of the neighbors. The Board said that it had received a letter of support from Mr. Blalock at 55 Arnold Road.

The Board said that although connecting the roof of the garage to the house will make it look much larger, the house, with the addition, will be similar in scale to other houses in the neighborhood.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 49 Arnold Road, on a 35,666 square foot lot, with a minimum left side yard setback of 10.7 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing garage at the height of 15.5 feet and construction of a garage on the same footprint at the height of 21.2 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/8/07, revised 11/19/07, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/21/07, drawn by DSA Dewing & Schmid Architects, and photographs were submitted.

On December 3, 2007, 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 demolition of an existing garage at the height of 15.5 feet and construction of a garage on the same footprint at the height of 21.2 feet 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 of an existing garage at the height of 15.5 feet and construction of a garage on the same footprint at the height of 21.2 feet, in accordance with the submitted Plot Plan and Construction Drawings.

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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm