

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2007-86
Petition of John & Kim Celi
1 Kenilworth Circle

Petition of JOHN & KIM CELI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of existing nonconforming garage and construction of a garage on the same footprint with storage area above, with less than required left side and rear yard setbacks, and construction of a 4 foot by 11.3 foot stairway addition with less than required rear yard setbacks, on a 13,697 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 1 KENILWORTH CIRCLE, 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 Michael Hally, Architect, who said that he was representing John and Kim Celi (the "Petitioner"). He said that a prior proposal had come before the Board. He said that the current proposal is to add space with a conforming addition on the right hand side.

Mr. Hally said that the existing garage has less than required side and rear yard setbacks. He said that the garage will be taken down to the slab. The existing footprint and foundation will be maintained. An existing mudroom will be removed to accommodate more garage space. They will need to create a new access at the back of the house to the first floor and the basement. The existing bulkhead will be removed.

Mr. Hally said that the existing garage is not in scale with the house. He said that the proposed garage will have a loft area that will be accessible by a pull down ladder inside the garage. The loft will not line up with the second floor of the house. There will be a full dormer at the back of the garage and a gabled dormer at the front. The cupola will balance the mass.

The Board said that it had received two letters of support from neighbors.

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 1 Kenilworth Circle, on a 13,697 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum left side yard setback of 19.7 feet and a minimum rear yard setback of 6.5 feet.

ZBA 2007-86
Petition of John & Kim Celi
1 Kenilworth Circle

The Petitioner is requesting a Special Permit/Finding that demolition of existing nonconforming garage and construction of a garage on the same footprint with storage area above, with less than required left side and rear yard setbacks, and construction of a 4 foot by 11.3 foot stairway addition with less than required rear yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/20/07, stamped by Paul Josephson, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/8/07, 11/8/07, & 11/15/07, drawn by Michael Hally Design, Inc., 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 nonconforming garage and construction of a garage on the same footprint with storage area above, and construction of a 4 foot by 11.3 foot stairway 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 demolition of an existing nonconforming garage and construction of a garage on the same footprint with storage area above, and construction of a 4 foot by 11.3 foot stairway addition, 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.

ZBA 2007-86
Petition of John & Kim Celi
1 Kenilworth Circle

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