

**ZONING BOARD OF APPEALS**

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

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ZBA 2009-33

Petition of Cynthia & Edward Wagner
46 Sheridan Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 11, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of CYNTHIA & EDWARD WAGNER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 14.1 foot by 21 foot second story addition that will conform to all Zoning setback requirements on a 10,289 square foot lot in a district in which the minimum lot size is 15,000 square feet, at 46 SHERIDAN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 26, 2009 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 Cynthia & Edward Wagner (the "Petitioner"). Ms. Wagner said that the lot is nonconforming because of its size. She said that they are not proposing to do any work that is outside of the footprint of the house.

The Board said that the application requested a Variance. The Board said that the appropriate request should have been for a Special Permit/Finding. The petition was published as a Special Permit/Finding.

The Board asked about the ridgeline shown on Elevation A-04. Ms. Wagner said that ever since an addition was put on in the 1990's, they have had problems with ice dams. She said that they have to change to roofline to fix the problem. She said that the plan is to go up a little higher in the back so that the roof can be sloped downward. There will be more space between the top of the roof so that it can be vented properly. She said that area of the house does not get any sun.

The Board asked about the height of the structure. Ms. Wagner displayed a larger set of plans to the Board. The Board said that it was convinced that there will not be a height issue.

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 46 Sheridan Road, on a 10,289 square foot lot in a district in which the minimum lot size is 15,000 square feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 14.1 foot by 21 foot second story addition that will conform to all Zoning setback requirements on a 10,289 square foot lot in a district in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/4/09, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/08 & 4/09, prepared by David B. Barsky, Architect, and photographs were submitted.

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 construction of a 14.1 foot by 21 foot second story addition that will conform to all Zoning setback requirements on a 10,289 square foot lot in a district in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 14.1 foot by 21 foot second story 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.

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

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm

OWNER :
EDWARD & CYNTHIA WAGNER

ASSESSORS REFERENCE :
MAP 16 , LOT 24

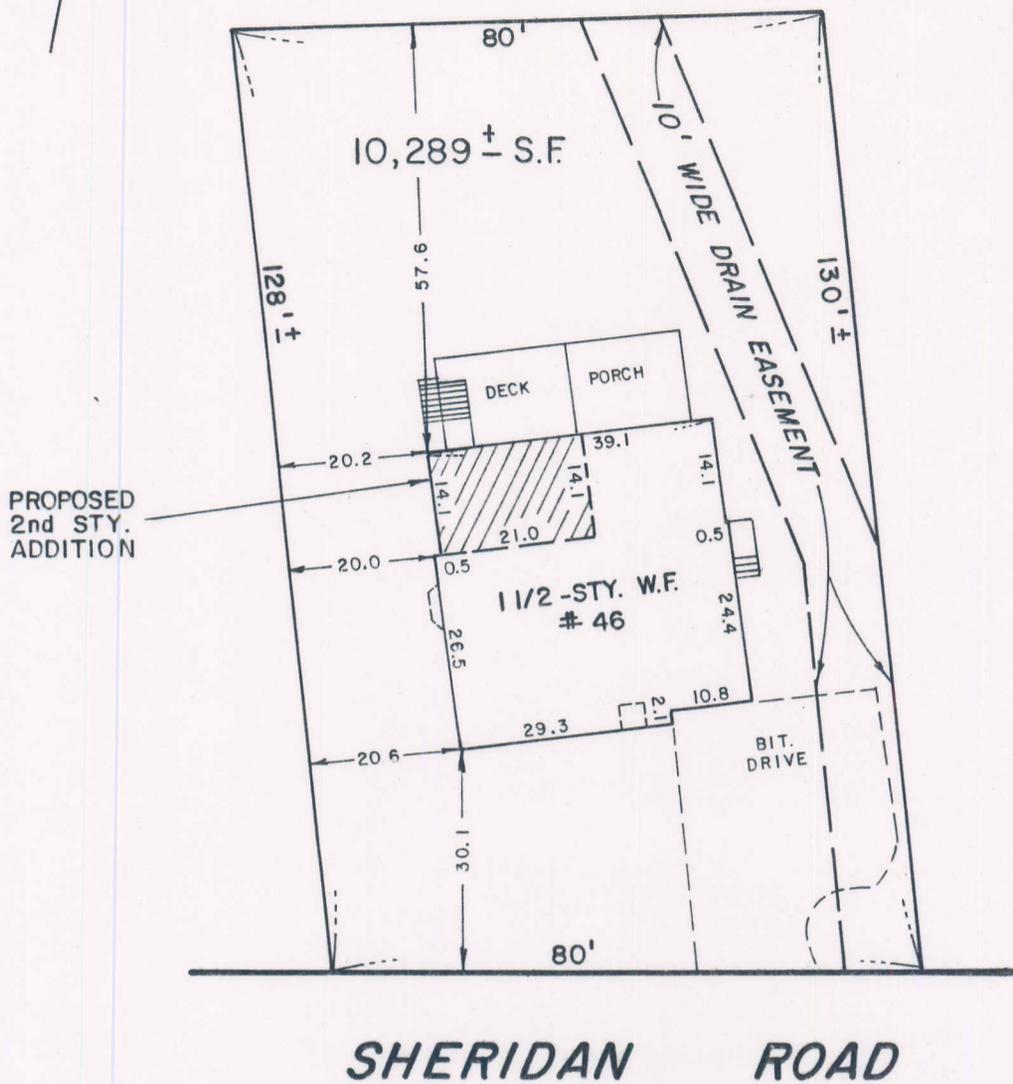
BUILDING ZONE :
SINGLE RESIDENCE 15

EXISTING PEAK ABOVE
AVERAGE GRADE = 128.3

PROPOSED PEAK ABOVE
AVERAGE GRADE = 127.2

NO CHANGE IN FOOTPRINT

LOT COVERAGE = 19.7 %
(2,026 ± S.F.)



PLAN OF LAND
IN
WELLESLEY, MASS.

SCALE : 1" = 20'
ESSEX ENGINEERING & SURVEY, INC.
617-797-7342

MAY 4, 2009
NEWTON, MASS.