

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEDEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.govJ. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2009-34
Petition of Guy & Maya Yehiav
1 Pickerel 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 GUY & MAYA YEHIIV requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for construction of a 10.79 foot by 13.5 foot two-story addition with less than required right side yard setbacks and construction of a 5 foot by 14.94 second story addition with less than required front yard and right side yard setbacks. The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 7.18 foot by 7.95 foot two-story addition with less than required left side yard setbacks, on a 4,019 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 1 PICKEREL ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The existing nonconforming lot coverage is 29% and the proposed lot coverage will be 36%.

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 was Brian Howland, who said that he was representing Guy and Maya Yehiav (the "Petitioner").

Mr. Howland said that Pickerel Road is approximately 10 feet higher than the rear property line. He said that there is a drastic down slope. He said that there are tight constraints on all sides of the site.

Mr. Howland said that the property is located in a 10,000 square foot Single Residence District. He said that the lot size is just over 4,000 square feet. He said that the footprint of the existing building is approximately 1,000 square feet, for 29% lot coverage.

Mr. Howland said that a portion of the house sits at a slight angle.

Mr. Howland said that the plan was to add as little as possible on the outside to get the greatest impact on the inside of the house. He said that by adding small incremental changes they have not changed the basic mass of the house.

Mr. Howland displayed renderings of the proposed changes. He said that an area at the front of the house was bumped out and the roof was changed to be slightly higher than the existing roof. He said that on the

opposite side of the house a doghouse dormer will increase the area for a master bedroom. He said that the kitchen area was bumped out slightly to make it more useable.

The Board asked how the project will address hardship issues and how the proposed changes would effect how the house works.

Mr. Howland said that they tried to keep the additions only on two floors. He said that from the landing at the entry there is a half-flight of stairs down and a half-flight of stairs up. He said that they will not change that aspect of the house.

Guy Yehiav said that the existing house has 2.5 to 3 bedrooms. He said that they currently have two children and are planning to grow the family. He said that one option was to add another level to the house. He said that the issue with that is his ruptured disk. He said that after discussing their options with the neighbors, they decided that the proposed plan would be the best one for increasing the space of the house.

The Board said that the kitchen bumpout would require a Variance. The Board said that the topography of the lot is similar to other houses on Pickerel Road and that it does not meet the criteria for granting a Variance. The Board said that the proposed plans do not create any significant changes to deal with the handicapped issue.

The Board said that the existing 10.4 foot setback on the west side of the house must be applied as the standard for that side.

Mr. Howland asked if he could modify the bumpout to be in line with the existing house. The Board said that revised plans must be submitted.

The Board voted unanimously to continue the petition to July 9, 2009.

July 9, 2009

Mr. Howland said that the project consists of two additions on opposite corners of the existing house. He said that one will be on the lower southeastern corner and the other in the upper northwestern corner. He said that both of the additions will be two stories.

Mr. Howland displayed plans of the proposed changes. He said that the kitchen bumpout will be a large gable that connects to an existing roofline and the existing line of the house. The Board said that it could grant a Special Permit for the revised plans.

Deadra Doku-Gardner, 3 Pickerel Road, said that she lives directly across the street and is in full support of this project.

Statement of Facts

The subject property is located at 1 Pickerel Road, on a 4,019 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum right side yard setback of 10.4 feet, a minimum left side yard setback of 8 feet, and a minimum front yard setback of 11.1 feet. Existing lot coverage is 29%.

The Petitioner is requesting a Special Permit/Finding that construction of a 7.18 foot by 7.95 foot two-story addition with less than required left side yard setbacks, construction of a 1.42 foot by 1.87 foot two story addition with less than required right side yard setbacks, and construction of a 9.08 foot by 28 foot two story addition with less than required right side and front yard setbacks, that will increase lot coverage from 29 % to 35.6%, on a 4,019 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/30/09, revised 6/26/09, stamped by William McNary, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/26/09, revised 6/24/09, prepared by Howland Design Group, LLC, and photographs were submitted.

On May 19, 2009, the Wetlands Protection Committee issued an Order of Conditions, DEP# 324-616.

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 7.18 foot by 7.95 foot two-story addition with less than required left side yard setbacks, construction of a 1.42 foot by 1.87 foot two story addition with less than required right side yard setbacks, and construction of a 9.08 foot by 28 foot two story addition with less than required right side and front yard setbacks, that will increase lot coverage from 29 % to 35.6%, on a 4,019 square foot lot in a district in which the minimum lot size is 10,000 square 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 construction of a 7.18 foot by 7.95 foot two-story addition with less than required left side yard setbacks, construction of a 1.42 foot by 1.87 foot two story addition with less than required right side yard setbacks, and construction of a 9.08 foot by 28 foot two story addition with less than required right side and front yard setbacks, 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.

Cynthia S. Hibbard, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm

