

**ZONING BOARD OF APPEALS**

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ZBA 2010-03

Petition of Beth Furman & David Wetherbee
5 Vane Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 7, 2010, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of BETH FURMAN & DAVID WETHERBEE, 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 and construction of a 15 foot by 51.5 foot first floor addition consisting of a one car garage, a study and a full bath, and construction of a 14.4 foot by 25 foot second story addition consisting of a master bath and dressing closet, on an 8,990 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 5 VANE STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 21, 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 David Wetherbee (the "Petitioner"), who said that they have a relatively modest house that they are looking to expand. He said that all of the new work will conform to the Zoning requirements. He said that the issue before the Board concerns lot size.

The Board said that it was concerned about the two sets of roofs shown on the rear elevation. Peter Sachs, Architect, said that the roof pitches from the ridge of an existing one-story to the far left. He said that beyond the existing structure it imitates the same roof pitch. He said that the reason for that is because they want to maintain a single story structure at the back. He said that the shape of it allows him to maintain a symmetrical ceiling.

The Board said that the existing family room and the proposed study shown on Plan A-5 compose two-thirds of the blank wall at the rear. Mr. Wetherbee said that the terrain at the back of the house rises so that the neighbor at the rear is probably ten feet higher. He said that there is fairly thick shrubbery growth that separates the properties. The Board said that the house did not appear to be very visible to most of the 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 5 Vane Street, on an 8,990 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 demolition of an existing garage and construction of a 15 foot by 51.5 foot first floor addition consisting of a one car garage, a study and a full bath, and construction of a 14.4 foot by 25 foot second story addition consisting of a master bath and dressing closet, on an 8,990 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 12/10/09, stamped by Todd P. Chapin, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 12/9/09, drawn by Peter Sachs Architect, and photographs were submitted.

On January 5, 2010, the Planning Board reviewed the petition and recommended that the Special Permit be approved.

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 demolition of an existing garage and construction of a 15 foot by 51.5 foot first floor addition consisting of a one car garage, a study and a full bath, and construction of a 14.4 foot by 25 foot second story addition consisting of a master bath and dressing closet, on an 8,990 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for demolition of an existing garage and construction of a 15 foot by 51.5 foot first floor addition and construction of a 14.4 foot by 25 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.

Richard L. Seegel, Chairman

J. Randolph Becker

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm