

**ZONING BOARD OF APPEALS**

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RICHARD L. SEEGEL, CHAIRMAN
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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 2010-16
Petition of John Livingston
25 Grantland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 4, 2010, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JOHN LIVINGSTON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with a two-car garage underneath that will be 15.5 feet by 25 feet on the first floor and 16.5 feet by 27 feet on the second floor, construction of a 12 foot by 20 foot deck, and construction of a 6 foot by 7 foot deck that will meet all setback requirements on an existing nonconforming structure with less than required front yard setbacks, in a 10,000 square foot Single Residence District, at 25 GRANTLAND ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 16, 2010 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 Laurence Shind, Esq., who said that he was representing John Livingston (the "Petitioner"). He said that also present at the hearing were John Livingston and the Project Architect, David Whitney.

Mr. Shind said that the house was built in 1937. He said that the house contains approximately 2,000 square feet of living area on the first and second floors. He said that existing lot coverage is 10 percent. He said that there is two-car garage attached to the rear and a walkout basement. He said that the only nonconformity is that the house sits 28.5 feet from the street.

Mr. Shind said that the proposed addition will be to the left and rear side of the existing structure. He said that the total finished area on the first and second floors will be 2,800 square feet and lot coverage will go up to 16 percent. He said that if the project was measured under the Large House Review (LHR) bylaw, the total finished living area including basement and some fractional story space would be 3,370 square feet, which is below the bylaw threshold for the district.

Mr. Shind said that the applicant communicated his intentions to his neighbors and is not aware of any objections.

David Whitney said that the plan was to come up with a design that was harmonious with the existing house and the neighborhood. He said that the plan was to conform with Zoning requirements in every

aspect that they could. He said that they will not be affecting the existing nonconforming front yard setback.

The Board asked if the proposed deck will be larger than the existing deck. Mr. Whitney said that it might be slightly larger but it will not project into the required side yard setback. Mr. Livingston said that the existing deck goes off at an angle. He said that the proposed deck may come in further from the side lot line. Mr. Whitney said that it will be further from the street because it will be off of the proposed addition.

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 25 Grantland Road, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 28.5 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a two-story addition with a two-car garage underneath that will be 15.5 feet by 25 feet on the first floor and 16.5 feet by 27 feet on the second floor, construction of a 12 foot by 20 foot deck, and construction of a 6 foot by 7 foot deck that will meet all setback requirements on an existing nonconforming structure with less than required front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/8/10, stamped by John W. McEachern, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 2/7/10, prepared by David Whitney, and photographs were submitted.

On February 22, 2010, the Planning Board Staff reviewed the petition and recommended that the petition 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 construction of a two-story addition with a two-car garage underneath that will be 15.5 feet by 25 feet on the first floor and 16.5 feet by 27 feet on the second floor, construction of a 12 foot by 20 foot deck, and construction of a 6 foot by 7 foot deck that will meet all setback requirements on an existing nonconforming structure with less than required front yard setbacks, 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 construction of a two-story addition with a two-car garage underneath that will be 15.5 feet by 25 feet on the first floor and 16.5 feet by 27 feet on the second floor,

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construction of a 12 foot by 20 foot deck, and construction of a 6 foot by 7 foot deck, 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

Cynthia S. Hibbard

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm