

**ZONING BOARD OF APPEALS**

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ZBA 2010-24
Petition of VW Builders
6 Amherst Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 1, 2010, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of VW BUILDERS, INC. requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a 10 foot by 14.5 foot two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setbacks, in a 10,000 square foot Single Residence District, at 6 AMHERST ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 15, 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 Edward Berger (the "homeowner"), who said that the proposal is to add a kitchen and a master bath.

The Board confirmed that the proposed addition will meet setback requirements. The Board said that the existing house has a 14.7 foot left side yard setback, which is nonconforming. The Board said that the existing shed is in the rear setback area.

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 6 Amherst Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 14.7 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing deck and construction of a 10 foot by 14.5 foot two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setback shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/4/10, stamped by Daniel J. Tivnan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/11/09, prepared by VW Builders Inc., and photographs were submitted.

On March 30, 2010, the Planning Board reviewed the petition and recommended that the request 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 deck and construction of a 10 foot by 14.5 foot two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side 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 demolition of an existing deck and construction of a 10 foot by 14.5 foot two-story addition that will meet all setback requirements, 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 G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm