

**ZONING BOARD OF APPEALS**

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ZBA 2012-22

Petition of John & Karin Breedis

24 Appleby Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 5, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JOHN & KARIN BREEDIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 25.45 foot by 35 foot two-story addition and a 9 foot by 15 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 24 APPLEBY ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 20, 2012, 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 John and Karin Breedis (the "Petitioner"). Ms. Breedis said that the house is nonconforming because of the front yard setback. She said that the proposed addition will be at the back of the house and will meet Zoning requirements.

Ms. Breedis submitted a revised plot plan that matches the construction plans.

The Board said that the first floor plan shows an angled wall. The Board said that is not shown on the plot plan. The Board said that the plot plan should also be revised to show correct dimensions across the lot.

Ms. Breedis said that the plan is to save the existing brick. She said that the house is a 1929 structure and the brick is a little quirky. She said that they would like to save and reuse it.

The Board said that it will be an appropriate addition to the house. The Board said that it has been designed to look like part of the original house.

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 24 Appleby Road, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 25.7 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 25.45 foot by 35 foot two-story addition and a 9 foot by 15 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 2/13/12, revised 3/16/12, stamped by Terrence M. Ryan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 12/21/12, prepared by Wayne Rawley, and photographs were submitted.

On April 4, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 25.45 foot by 35 foot two-story addition and a 9 foot by 15 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, as voted unanimously by this Authority at the Public Hearing, for construction of a 25.45 foot by 35 foot two-story addition and a 9 foot by 15 foot deck that will meet all setback requirements, subject to the condition:

- A revised plot plan shall be submitted showing the angled wall on the first floor and the correct dimensions across the width of the lot.

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 G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm