TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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2012 JUN 20 P 3 13

ZBA 2012-43
Petition of Charles Kraus
20 Hill Top Road

Record Owner of Property: Francis Sola & Anastasia Pantelides

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 7, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of CHARLES KRAUS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that removal of an existing nonconforming second story and replacement with a new second story with a ridge height that will be 7.5 feet higher than the existing ridge, with less than required front yard, left side yard and right side yard setbacks, on a 6,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 20 HILL TOP ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 22, 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 was Charles Kraus (the "Petitioner"). Also present was Francis Sola, the homeowner.

Mr. Kraus said that the request is for a Special Permit/Finding that removal of the existing second floor of the house and replacement with a similar but taller gabled bungalow-style addition will not be substantially more detrimental to the neighborhood.

Mr. Kraus said that the existing nonconforming lot size is 6000 square feet. He said that the existing nonconforming structure has less than required front and side yard setbacks.

The Board said that the proposed construction is a good solution for saving the house.

The Board asked about the height of new structure. Mr. Kraus said that it will be 7.5 feet higher than the existing structure. He said that the proposed height will be approximately 27 feet.

Statement of Facts

The subject property is located at 20 Hill Top Road, on a 6,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 16.1 feet, a minimum left side yard setback of 12.1 feet and a minimum right side yard setback of 15.4 feet.

The Petitioner is requesting a Special Permit/Finding that removal of an existing nonconforming second story and replacement with a new second story with a ridge height that will be 7.5 feet higher than the existing ridge, with less than required front yard, left side yard and right side yard setbacks, on a 6,000 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 5/1/12, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/1/12, prepared by Kraus Associates, and photographs were submitted.

On June 5, 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 although removal of an existing nonconforming second story and replacement with a new second story with a ridge height that will be 7.5 feet higher than the existing ridge, with less than required front yard, left side yard and right side yard setbacks, on a 6,000 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 removal of an existing nonconforming second story and replacement with a new second story with a ridge height that will be 7.5 feet higher than the existing ridge, 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.

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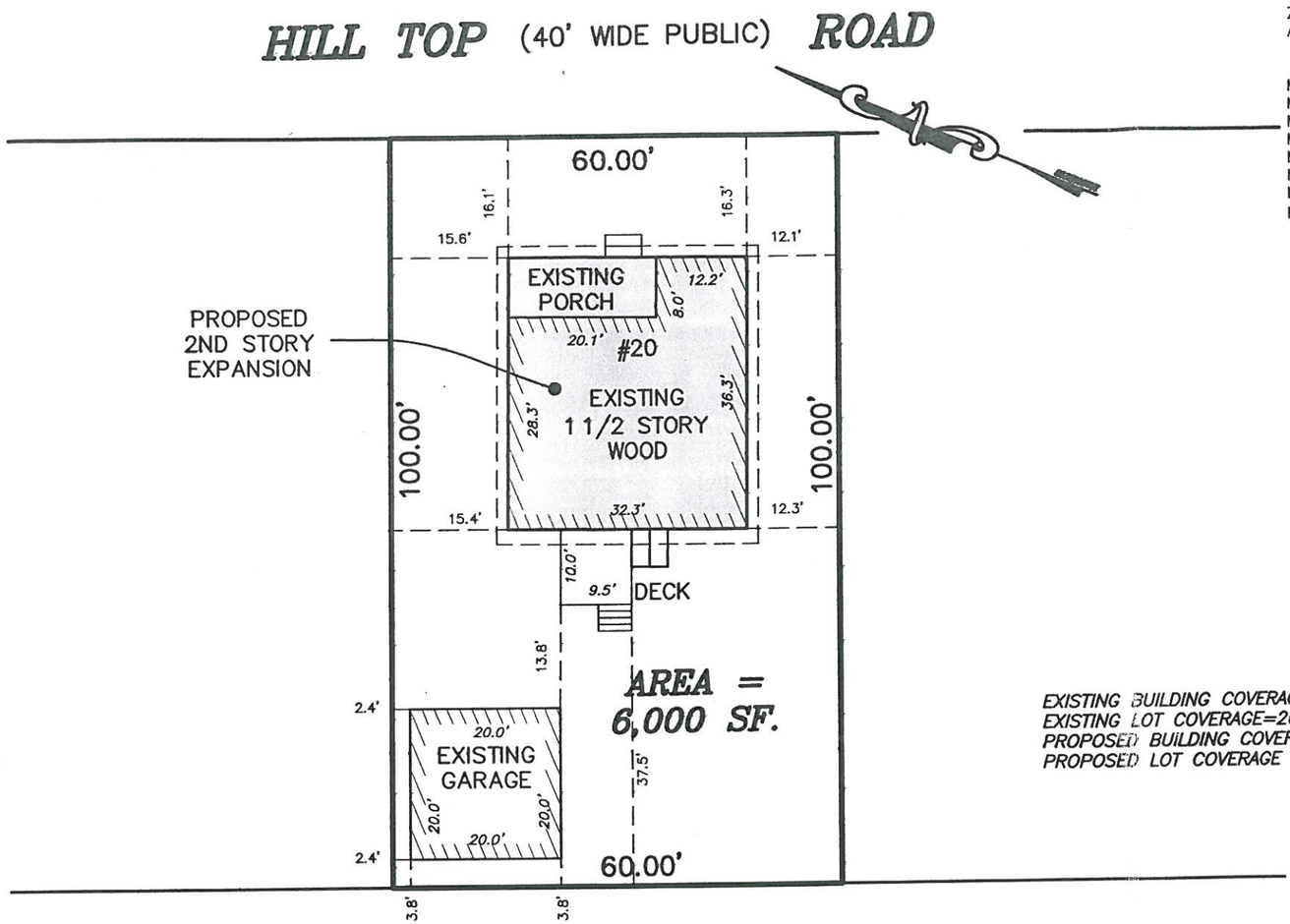
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm



ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)
AND THE WATER SUPPLY PROTECTION DISTRICT

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	6,000 SF	6,000 SF
MINIMUM LOT FRONTAGE	60 FEET	60 FEET	60 FEET
MINIMUM FRONT SETBACK	30 FEET	16.1 FEET	16.1 FEET
MINIMUM SIDE YARD	20 FEET	12.1 FEET	12.1 FEET
MINIMUM REAR YARD	10 FEET	37.5 FEET	37.5 FEET
MAXIMUM BUILDING COVERAGE	25%	26%	26%
MAXIMUM BUILDING HEIGHT	36 FEET		
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	1 1/2 STORIES	2 STORIES

EXISTING BUILDING COVERAGE =1,572 SF
EXISTING LOT COVERAGE=26%
PROPOSED BUILDING COVERAGE = 1,572 SF
PROPOSED LOT COVERAGE = 26%

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ZONING BOARD OF APPEALS
PLAN OF LAND
20 HILL TOP ROAD
WELLESLEY, MASS.

COMMONWEALTH OF MASSACHUSETTS
BRADLEY J. SIMONELLI
47581
PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE
20 0 10 20 40

Field Resources, Inc.
LAND SURVEYORS

MAY 1, 2012
SCALE 1"=20'

P.O. BOX 324
AUBURN, MA
508 832 4332

281 CHESTNUT ST.
NEEDHAM, MA.
781 444 5936

fieldresources@hotmail.com

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