



## ZONING BOARD OF APPEALS

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

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ZBA 2013-02  
Petition of Buelent & Jori Zeyben  
48 Clovelly Road

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2013 JAN 17 P

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 3, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of BUELENT & JORI ZEYBEN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 18.5 foot by 26 foot two-story addition with less than required side yard setbacks, and construction of an 8 foot by 14.5 foot deck that will meet all setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,181 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, at 48 CLOVELLY ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 17, 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 Buelent and Jori Zeyben, (the "Petitioner").

Ms. Zeyben said that they have lived in their house for five and a half years. She said that they purchased the house from a couple who had triplets. She said that the couple had configured an addition that would accommodate a family of five. She said that addition was approved in 2003 but was not constructed.

Ms. Zeyben said that the approved plans have been modified because they did not need as much space as the previous owners. She said that their Architect, John Chapman, designed a house that is suitable for the neighborhood, in keeping with the lines of the house and the charm of the area.

Ms. Zeyben said that they circulated a letter to neighbors and there were no objections.

The Board said that the proposed design is good.

The Board determined that the petition would be reviewed as a Special Permit/Finding because the proposed addition will be less nonconforming than the existing nonconforming structure.

Ms. Zeyben said that existing lot coverage is 1,569 square feet and proposed lot coverage will be 2,043 square feet, including the garage.

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 48 Clovelly Road, on an 8,181 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, with a minimum front yard setback of 23.5 feet and a minimum side yard setback of 9.7 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 18.5 foot by 26 foot two-story addition with less than required side yard setbacks, and construction of an 8 foot by 14.5 foot deck that will meet all setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,181 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 12/7/12, stamped by Robert F. Drake, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 12/5/12, prepared by John Chapman, Architect, and photographs were submitted.

On December 27, 2012, the Planning Board Staff 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 opinion of this Authority that although construction of an 18.5 foot by 26 foot two-story addition with less than required side yard setbacks is increasing a nonconformity, and construction of an 8 foot by 14.5 foot deck that will meet all setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,181 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, 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 construction of an 18.5 foot by 26 foot two-story addition with less than required side yard setbacks, and construction of an 8 foot by 14.5 foot deck that will meet all setback requirements, on an existing nonconforming structure with less than required front and side yard setbacks, on an 8,181 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, 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 constructions 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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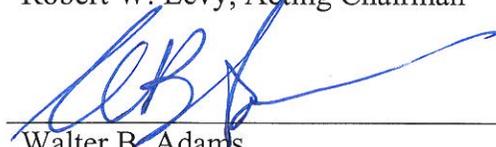
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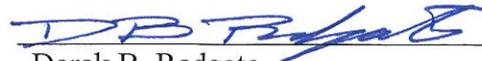
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



Walter B. Adams



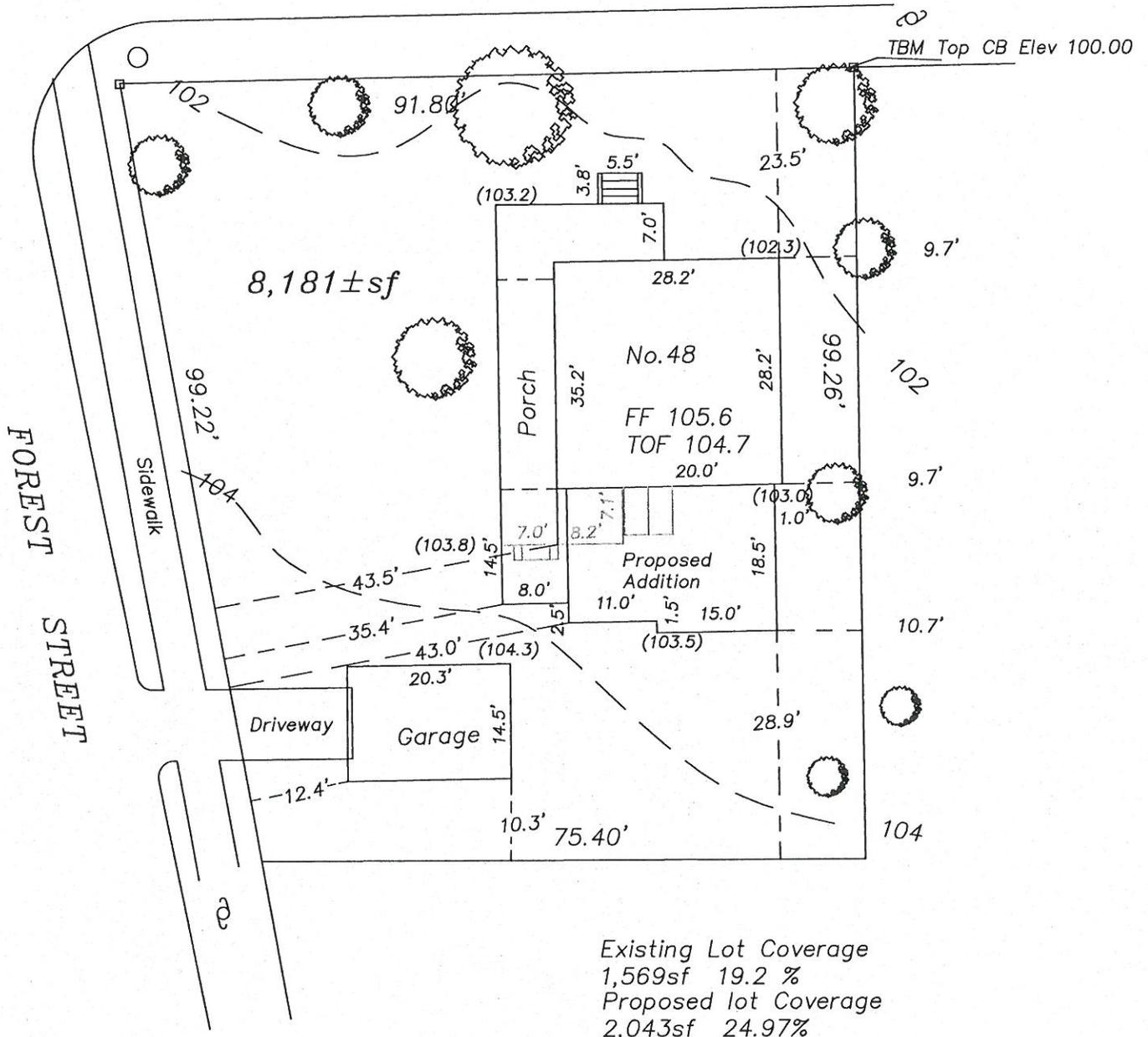
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02482

CLOVELLY ROAD

2012 DEC 18 A 9:39



I HEREBY CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME AS SHOWN HEREON.

SIGNED: 



CERTIFIED PLOT PLAN  
IN  
48 Clovelly Road  
WELLESLEY MASS.  
SCALE 1"=20' DEC 7, 2012  
Drake Associates Inc.  
Civil Engineers Land Surveyors  
175 Millwood Street Framingham Mass.  
508 877-0848  
FAX 781 416-1865