



ZONING BOARD OF APPEALS

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

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ZBA 2013-33
 Petition of Patrick Ahearn
 16 Upland Road

Record Owner of Property: Ben & Shannon Coes

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 2, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of PATRICK AHEARN 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 on an existing nonconforming structure with less than required front yard setbacks, and reduction and renovation of an existing nonconforming garage with less than required side yard and rear yard setbacks, in a 10,000 square foot Single Residence District, at 16 UPLAND ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 16, 2013, 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 Patrick Ahearn, the ("Petitioner"), and Shannon Coe, the homeowner.

Mr. Ahearn said that the property is in a 10,000 square foot Single Residence District. He said that it is a legal buildable lot at 11,802 square feet. He said that the existing garage is nonconforming. He said that the existing rear yard setback is 1.8 feet and the existing side yard setback is 2.5 feet. He said that the existing house was built in 1920. He said that it does not meet the current front yard setback requirements.

Mr. Ahearn said that Total Living Area plus Garage (TLAG) for the existing house is greater than the 3,600 square foot threshold for Large House Review (LHR). He said that the existing TLAG is 3,913 square feet.

Mr. Ahearn said that they are proposing a 372 square foot footprint addition at the rear of the house. He said that it will conform to all dimensional setbacks. He said that the proposed garage will be reconstructed to increase the rear and side yard setbacks significantly. He said that the proposed side yard setback will be 10.2 feet and the proposed rear yard setback will be 4.15 feet.

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Mr. Ahearn said that no trees will be affected by the proposed work. He said that lot coverage is currently 18 percent. He said that there will be an increase of 89 square feet that will result in 18.7 percent lot coverage.

Mr. Ahearn said that the addition at the rear of the house will be 372 square feet. He said that there will be a 6 foot extension on the back left side and a 12 foot extension on the back right side. He said that the addition will be the same width as the house.

The Board said that it was concerned about the proposed 2nd floor guest bedroom and bathroom in the garage. The Board said that all plumbing should be eliminated from that. The Board said that the garage should be moved ten feet from the rear property line. Mr. Ahearn said that he could move the garage forward 6 feet.

The Board asked what will replace the bedroom on the second floor of the garage. Mr. Ahearn said that they will use it for storage. He said that the basement is finished in the house, so they need storage space.

Mr. Ahearn submitted letters of support from the neighbors.

The Board asked about the height of the garage. Mr. Ahearn said that part of what they are trying to accomplish is to have the garage match the house. He said that the existing garage is a 1960's oversized style that has nothing to do with the shingle style arts and crafts house. He said that the garage is a feature in the back yard.

The Board said that the dormers on the sides of the garage are not needed. Mr. Ahearn said that they can eliminate them. He said that the main feature is that the pitch of the roofs, the shingle details and the eaves match those elements on the house.

The Board asked about dropping the height of the second floor on the garage. Mr. Ahearn said that he can bring the eave detail down a couple of feet.

The Board said that it generally imposes a condition that outbuildings such as this have no interior plumbing.

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 16 Upland Road, in a 10,000 square foot Single Residence District. The existing main structure has a minimum front yard setback of 29.8 feet. The existing garage structure has a minimum right side yard setback of 2.5 feet, and a minimum rear yard setback of 1.8 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a two-story addition on an existing nonconforming structure with less than required front yard setbacks, and reduction and renovation of an existing nonconforming garage with less than required side yard and rear yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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The project will include changing out the existing wood columns to smaller Tuscan tapered columns, changing the existing wood deck to bluestone, and adding a solid stone veneered wall at guard rail height on the existing nonconforming front covered entry.

A Plot Plan dated 3/27/13, stamped by Daniel J. Tivnan, Professional Land Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 4/2/13, prepared by Patrick Ahearn, Architect, and photographs were submitted.

On April 24, 2013, 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 opinion of this Authority that construction of a two-story addition on an existing nonconforming structure with less than required front yard setbacks, and reduction and renovation of an existing nonconforming garage with less than required side yard and rear 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 two-story addition on an existing nonconforming structure with less than required front yard setbacks, and reduction and renovation of an existing nonconforming garage with less than required side yard and rear yard setbacks, subject to the conditions:

1. The roofline of the garage shall be lowered two feet.
2. The dormers on the sides of the garage shall be removed.
3. The garage shall be moved six feet to create a 10 foot setback at the rear.
4. There shall be no internal plumbing in the garage.

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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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16 Upland Road

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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



Robert W. Levy



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

VARIANCE PLAN



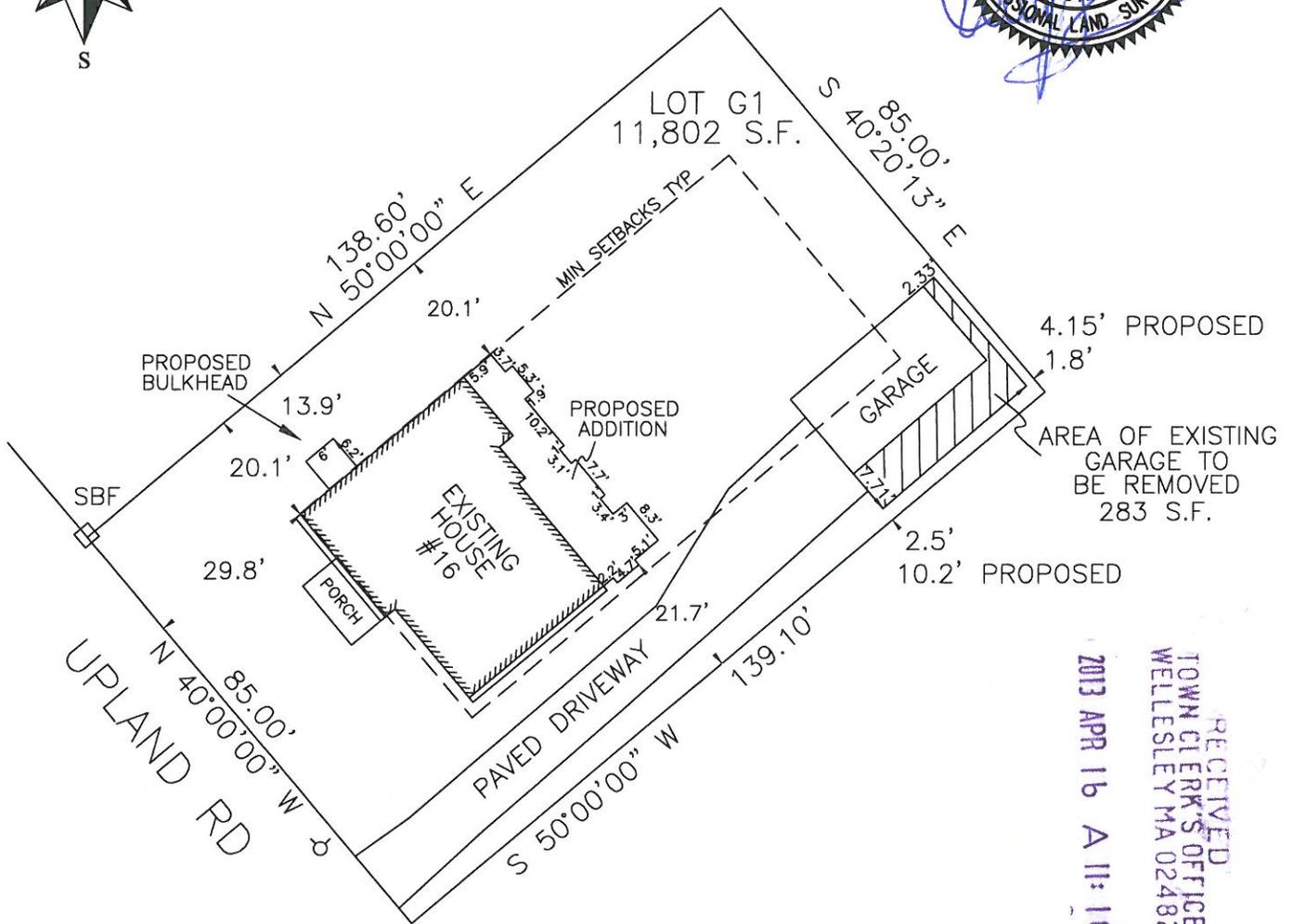
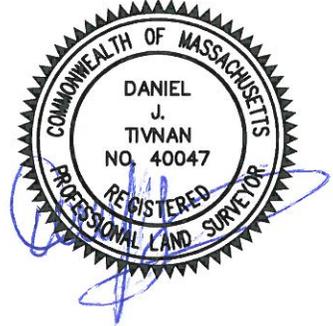
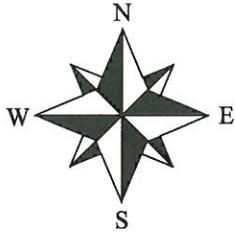
hs&t group, inc.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
 75 HAMMOND STREET - 2ND FLOOR
 WORCESTER, MASSACHUSETTS 01610-1723
 PHONE: 508-757-4944 EMAIL: INFO@HSTGROUP.NET
 FAX: 508-752-8895 WWW.HSTGROUP.NET

PROJECT: 16 UPLAND RD
 WELLESLEY MA
 OWNER: BEN COES
 DATE: 03-27-13
 ZONE: RES 10
 SCALE: 1"=30'
 COMP'D: DJT
 CAD: DJT

FLD. BK: 631-86
 JOB #: 5089
 FILE: UPLAND16VAR

I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATION OF THE BUILDING AND DIMENSIONS AS SHOWN.



4.15' PROPOSED
 1.8'
 AREA OF EXISTING GARAGE TO BE REMOVED 283 S.F.

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EXISTING LOT COVERAGE 2126 S.F. 18%
 PROPOSED LOT COVERAGE 2215 S.F. 18.7%

THERE ARE NO WETLANDS OR EASEMENTS ON THIS PROPERTY