



ZONING BOARD OF APPEALS

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

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ZBA 2013-34
 Petition of James & Rachel McKean
 249 Weston Road

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 JAMES & RACHEL MCKEAN requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming structure and construction of a one-story addition with less than required side yard setbacks, on a 7,592 square foot corner lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, at 249 WESTON ROAD.

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 were James and Rachel McKean (the "Petitioner").

Ms. McKean displayed pictures of the house (retained by proponent). She said that it is a small house with a single bathroom on the second floor. She said that for many years they have tried to find a way to put a second bathroom in.

Ms. McKean said that she and her husband come from families with histories of severe arthritis. She said that they would like to convert the porch into a bathroom and a closet for the washer and dryer. She said that they would like to be able to stay in the home for as long as possible and have first floor living.

Ms. McKean said that the proposed addition will have a 22.2 foot setback at one end and a 9.7 foot setback at the other end.

Ms. McKean said that the house has been there for approximately 100 years. The Board said that it appears that the lot may have been subdivided off. Ms. McKean said that it was her understanding that the lots were split among families years ago.

Ms. McKean said that they have letters of support from the neighbors.

Ms. McKean said that their intent is to stay with the house design and make it ADA accessible. She said that there will be a low hip roof for as little impact as possible.

The Board said that the plans that were submitted do not show the current layout of the home. The Board asked if there is a complying location where they could put the bathroom and closet. Ms. McKean said that she did look at putting the addition on at various places on the house but they did not work.

The Board asked about pulling the porch closer to Weston Road by two to three feet. Ms. McKean said that the door sits next to the chimney, so they are not able to move it.

The Board discussed the standards for granting a Variance in Massachusetts. The Board said that the shape of this lot is somewhat unique and there is a hardship involved.

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 249 Weston Road, on a 7,592 square foot corner lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet, with less than required front yard and side yard setbacks.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming structure and construction of a one-story addition with less than required side yard setbacks, on a 7,592 square foot corner lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet.

Letter to Zoning Board of Appeals, dated 4/9/13, from James and Rachel McKean, Letter to Zoning Board of Appeals, dated 4/16/13, from James and Rachel McKean, a Plot Plan dated 9/19/12, stamped by Michael P. Clancy, Professional Land Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 4/8/13, prepared by DW Weintraub-Designs, and photographs were submitted.

On April 24, 2013, the Planning Board reviewed the petition and recommended that the Variance be denied.

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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise to the Petitioner, owing to circumstances relating to the shape of the lot, especially affecting this lot but not generally affecting the zoning district in which it is located, and the hardship is not self created. The Board found that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

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Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted to allow for demolition of an existing nonconforming structure and construction of a one-story addition with less than required side yard setbacks, on a 7,592 square foot corner lot in a Water Supply Protection District in which the minimum lot size is 10,000 square feet.

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 the rights authorized by this Variance are not exercised within one year of the date time-stamped on this decision, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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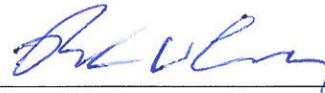
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



Robert W. Levy



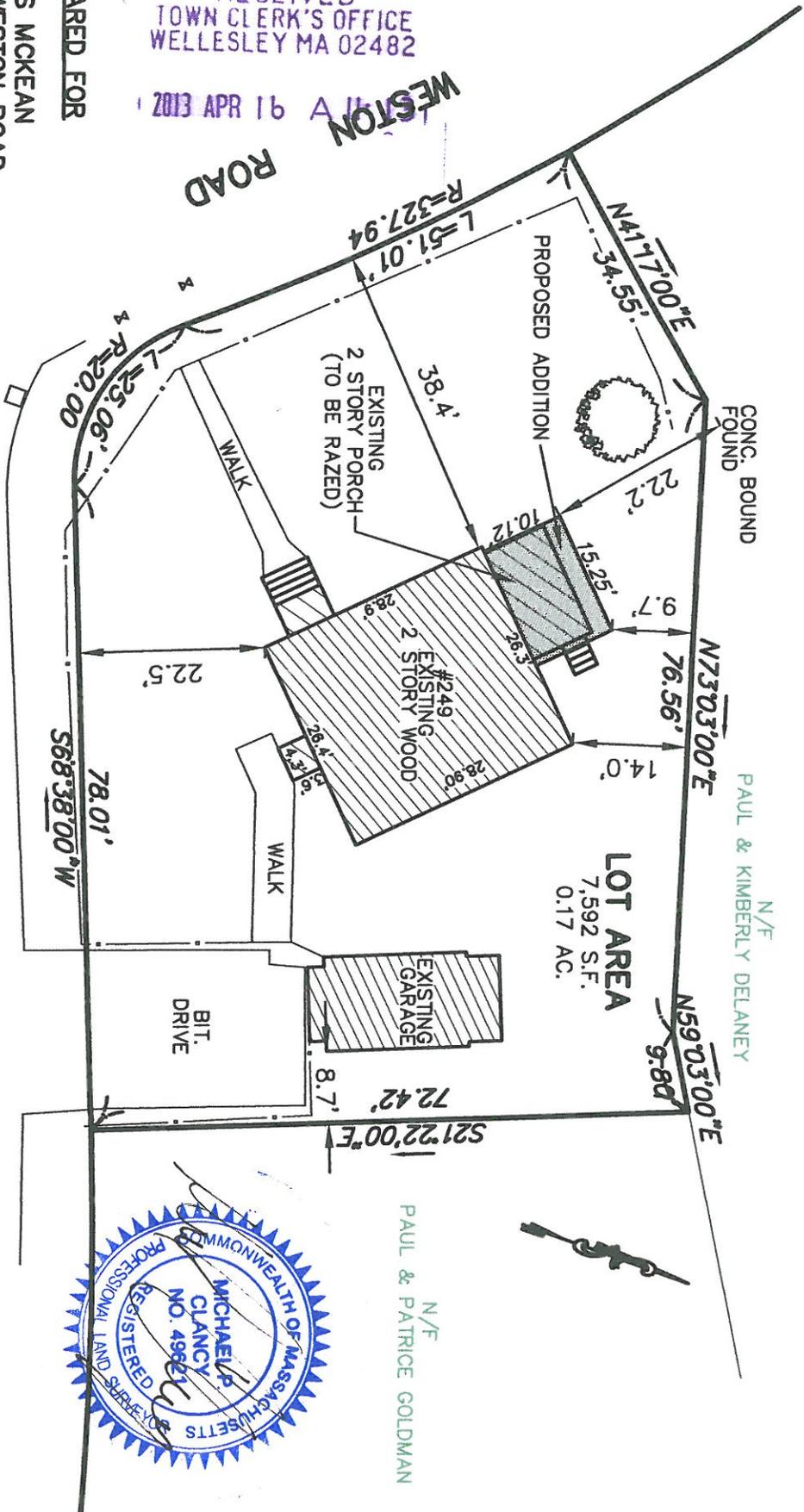
Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

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2013 APR 16

PREPARED FOR
JAMES MCKEAN
249 WESTON ROAD
WELLESLEY, MA 02482



NOTES:

1. ZONING CLASSIFICATION - SRD-10
2. PLAN REFERENCES:
NORFOLK REGISTRY OF DEEDS PLAN 47 OF 1922
3. LOCUS DEED:
NORFOLK REGISTRY OF DEEDS BK. 5975 PG. 387
ASSESSORS PARCEL ID 159-104
4. EXISTING LOT COVERAGE = 1169/7592 = 15.4%
4. PROPOSED LOT COVERAGE = 1212/7592 = 16.0%

STRATHMORE ROAD

PLOT PLAN
249 WESTON ROAD
WELLESLEY, MASS.

SCALE: 1"=20' SEPTEMBER 19, 2012

C & G SURVEY COMPANY
37 JACKSON ROAD
SCITUATE, MA. 02066
1-877-302-8440

