



ZONING BOARD OF APPEALS

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

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ZBA 2013-48
 Petition of Patrick & Susan Bannon
 10 Cunningham Road

2013 JUL 25 P 2:44
 ZONING BOARD'S OFFICE
 WELLESLEY MA 02482

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 11, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of PATRICK & SUSAN BANNON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story addition with less than required right side yard setbacks, enclosure of an existing nonconforming porch and construction of a second story addition with less than required left side yard setbacks, on a 9,470 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 10 CUNNINGHAM ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 24, 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 Patrick Bannon (the "Petitioner").

Mr. Bannon said that the house is small at 1,647 square feet. He said that on the left side of the house is a screened porch that they would like to enclose and construct a closet and master bath above. He said that they would like to expand the kitchen backwards. He said that the back corner of the kitchen and the mudroom are nonconforming.

Mr. Bannon said that they spoke with the neighbors on the left side and the right side.

Mr. Bannon said that the house is nonconforming on the left side by six inches. He said that there is a grove of evergreens between the two houses.

The Board asked why the proposed addition on the right side of the house was not designed to meet the setback requirements. Mr. Bannon said that the mudroom goes back a little deeper to allow room for the door. He said that currently there is a door in the mudroom and a door to the outside that bump up against each other. He said that the new part of the mudroom will be set back further from the property line. He said that the designer thought that the extension would make it easier to get in and out of that area.

The Board said that the Planning Board recommended that the wall on the left side of the house be brought into conformance. Mr. Bannon said that the plan was to use the existing line of the house on the left. He said that the porch is nonconforming by 0.3 feet and there is evergreen screening between the properties.

Ray Wiese, Architect, said that it is a minimal addition. He said that the lot is pie shaped and that makes things difficult. He said that there is a garage under the house at the back. He said that he could put a compliant structure at an odd angle but that could look more detrimental to the neighborhood. He said that it seemed to make more sense to leave the structure as it is.

Mr. Wiese said that his clients did not want to create a lot of space. He said that the mudroom was a very important part of the plan. He said that on the mudroom side there is a retaining wall. He said that there is already a landing where they want to push back in order to transition from the steps down. He said that they had to consider tearing the wall down and rebuilding it. He said that they designed the addition so that it will be less nonconforming than the existing structure and will allow the door to swing open without being awkward. He said that it would make a significant difference to be able to add the two feet. He said that it was intentionally bumped in. He said that it may not be the best way to build economically but he thought that it would be less detrimental to the neighborhood.

Mr. Wiese said that the porch is original to the house. He said that he has shown the schematics of the foundation to the engineer. He said that the concrete pour lines are the same as the horizontal boards. He said that there is a garage under with a concrete slab that many old houses had for the roof and the screened porch is built on top of that.

Mr. Bannon said that the neighbor on the left side, Mrs. Coles, and the neighbor on the right side, Ms. Jones, are supportive of the project.

Mr. Wiese said that the existing house is 1,647 square feet. He said that the new living space will be 2,171 square feet.

Renee Jones, 14 Cunningham Road, said that she is the neighbor on the right side. She said that she looked at plans and spoke with the Bannons and fully supports the petition. She said that she felt that the request is reasonable and modest, keeps with the character of the neighborhood, and will not have any detrimental effect on them.

Statement of Facts

The subject property is located at 10 Cunningham Road, on a 9,470 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 29.4 feet, a minimum left side yard setback of 19.7 feet, and a minimum right side yard setback of 17.4 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 a one-story addition with less than required right side yard setbacks, enclosure of an existing nonconforming porch and construction of a second story addition with less than required left side yard setbacks, on a 9,470 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 6/5/13, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 5/31/13, prepared by Alexandra Fuist, and photographs were submitted.

On July 9, 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 although construction of a one-story addition with less than required right side yard setbacks, enclosure of an existing nonconforming porch and construction of a second story addition with less than required left side yard setbacks, on a 9,470 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 construction of a one-story addition with less than required right side yard setbacks, enclosure of an existing nonconforming porch and construction of a second story addition with less than required left side yard setbacks, on a 9,470 square foot lot in a district in which the minimum lot size is 10,000 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.

2013 JUL 25 P 2:44
INSPECTOR'S OFFICE
WILMINGTON MA 02482

ZBA 2013-48
Petition of Patrick & Susan Bannon
10 Cunningham Road

2013 JUL 25 P 2:44
TOWN'S OFFICE
MILLISLEY MA 02482

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.



J. Randolph Becker, Acting Chairman

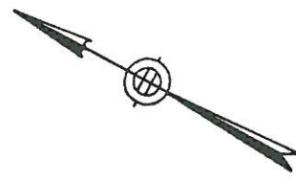


Robert W. Levy

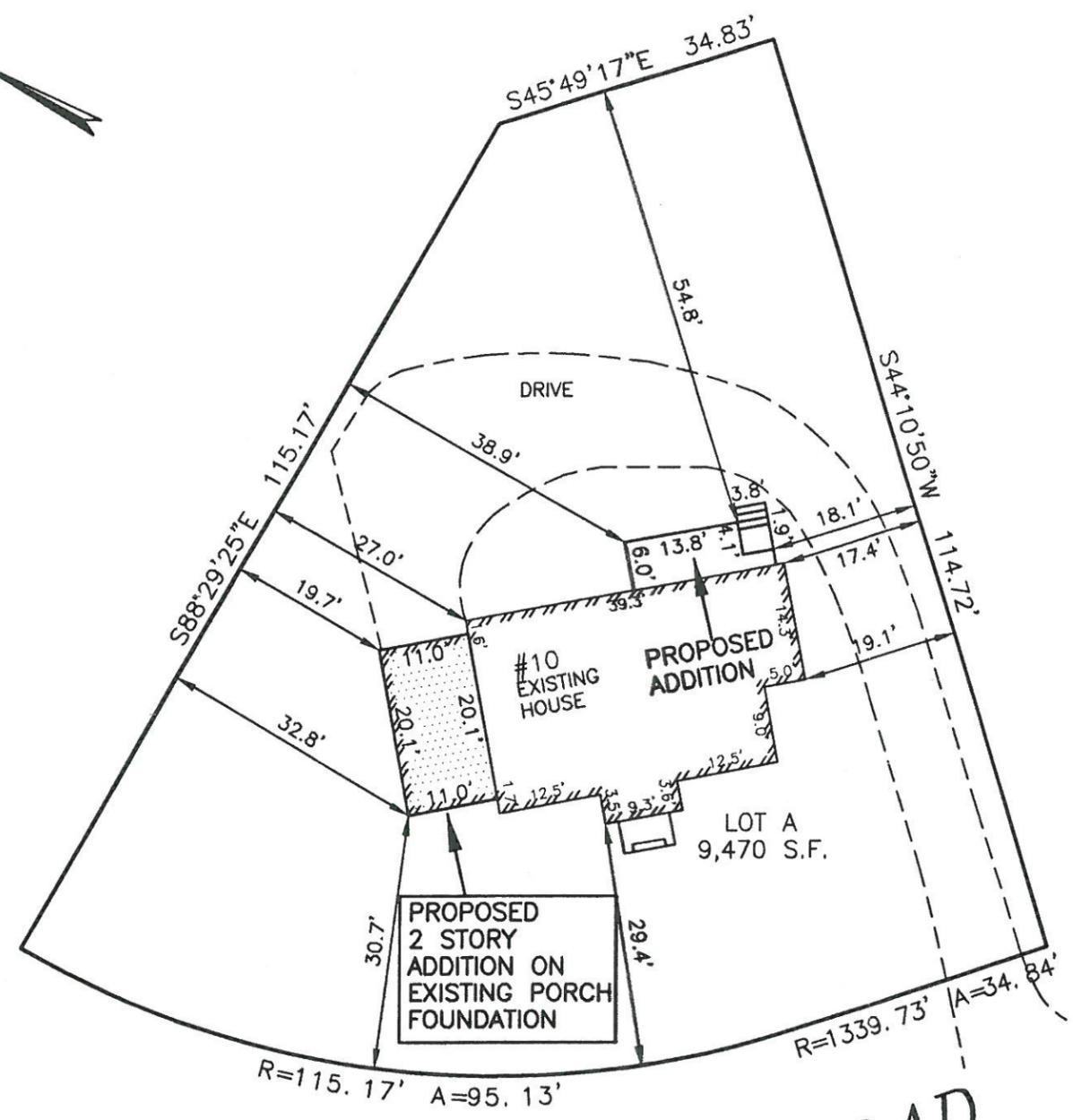


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



RECEIVED
EVERETT M. BROOKS CO. OFFICE
WELLESLEY MA 02482
2013 JUN 24 A 11:53



CUNNINGHAM ROAD

ESTABLISHED 1916

EMB

EVERETT M. BROOKS CO.

SURVEYORS & ENGINEERS

49 LEXINGTON STREET
WEST NEWTON, MA 02465

(617) 527-8750
(617) 332-1578 FAX
info@everettbrooks.com

ZONE: SRD-10

DEED REFERENCE:
BOOK 13429 PAGE 356

PLAN REFERENCE:
BOOK 1963 PAGE 142

EXISTING
STRUCTURES 1,169 S.F.
LOT COVERAGE 12.3%

PROPOSED
STRUCTURES 1,250 S.F.
LOT COVERAGE 13.2%

**PLAN OF LAND IN
WELLESLEY MA**

10 CUNNINGHAM ROAD
PROPOSED ADDITION

TO ACCOMPANY THE PETITION OF
JOHN & SUSAN BANNON

SCALE: 1 IN. = 20 FT.

DATE: JUNE 5, 2013

DRAWN: ER

CHECK: BB

REVISIONS:

PROJECT NO. 24070

