



ZONING BOARD OF APPEALS

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

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2014 JUN 23 P 2:50
 TOWN'S OFFICE
 WELLESLEY MA 02482

ZBA 2014-03

Petition of April & Steven Levitt
 156 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 9, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of APRIL & STEVEN LEVITT requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming deck with less than required right side yard setbacks, construction of a one-story sunroom that will meet all setback requirements, construction of a new deck and hot tub with less than required right side yard setbacks, and reconstruction of an existing nonconforming deck with less than required left side yard setbacks, at 156 WASHINGTON STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 23, 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 Brigitte Steines, Architect, representing April and Steven Levitt, (the "Petitioner"). She said that the request is for a Special Permit for a narrow lot. She said that the house was built in 1922. She said that there are two existing decks that they are seeking to be replaced. She said that one of the decks that structurally needs replacement will be replaced on the same footprint. She said that the plan is to replace a nonconforming deck with a sunroom that will meet setback requirements. She said that adjacent to the existing deck is a hot tub that encroaches into the setback. She said that the proposed hot tub location will be smaller but still encroaching into the setback.

The Board asked about efforts to add the sunroom and incorporate the hot tub and deck access that might have been compliant. Ms. Steines said that the sunroom was developed out of the living room which is small. She said that there was no space to move the sunroom to the middle of property. She said that they were restricted by the location of the existing bulkhead. She said that there was not much opportunity to move the sunroom to the middle of the property without making it really narrow. She said that they needed to keep egress out of the basement.

Ms. Steines confirmed that there will be no interior alterations. She said that the new deck will not be as wide as the existing deck and the hot tub, which they will reuse, will encroach less when it is relocated. She said that there are trees along the property line. She said that the proposed changes will not be more detrimental to the neighborhood.

The Board asked if ways to reduce the deck on the left side of the house had been considered. Ms. Steines displayed the location of the entrance to the kitchen and mudroom on the floor plans. She said that they could angle the deck to make it smaller but it would look awkward. She said that the deck will be on the same footprint. She said that they are hoping to reuse the same foundation.

Ms. Steines said that the homeowners shared their plans with the neighbors on both sides.

The Board confirmed that the existing house encroaches more than the proposed work. The Board asked if there is any record of when the shed was constructed. Ms. Steines said that the house was built in 1922 and there was a master bedroom addition in 2003. She said that the shed and the garage are older, probably more than 20 years old. The Board said that the garage and shed are shown on the plot plan that was filed with the 2003 petition.

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 156 Washington Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 15.6 feet and a minimum right side yard setback of 14.8 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming deck with less than required right side yard setbacks, construction of a one-story sunroom that will meet all setback requirements, construction of a new deck and hot tub with less than required right side yard setbacks, and reconstruction of an existing nonconforming deck with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Conditions Plot Plan, dated 11/20/13, Proposed Conditions Plot Plan, dated 12/18/13, stamped by Robert F. Drake, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 12/18/13, prepared by Brigitte Steines, AIA, and photographs were submitted.

On January 7, 2014, the Planning Board reviewed the petition and recommended that the Special Permit be granted with the condition that the reconstructed and/or relocated decks and hot tub be located in conformance to Section XIX Yard Regulations of the Zoning Bylaw.

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 demolition of an existing nonconforming deck with less than required right side yard setbacks, construction of a one-story sunroom that will meet all setback requirements, construction of a new deck and hot tub with less than required right side yard setbacks, and reconstruction of an existing nonconforming deck with less than required left side yard setbacks 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 demolition of an existing nonconforming deck with less than required right side yard setbacks, construction of a one-story sunroom that will meet all setback requirements, construction of a new deck and hot tub with less than required right side yard setbacks, and reconstruction of an existing nonconforming deck with less than required left side yard setbacks, 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.

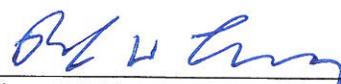
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

2014 JAN 23 P 2:50
INSPECTOR'S OFFICE
156 WASHINGTON ST
ALEXANDRIA VA 22304

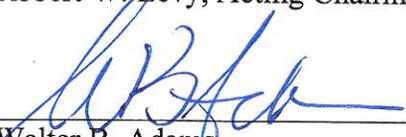
ZBA 2014-03
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156 Washington Street

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TOWN CLERK'S OFFICE
SHELLEY 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.



Robert W. Levy, Acting Chairman



Walter B. Adams



Derek B. Redgate

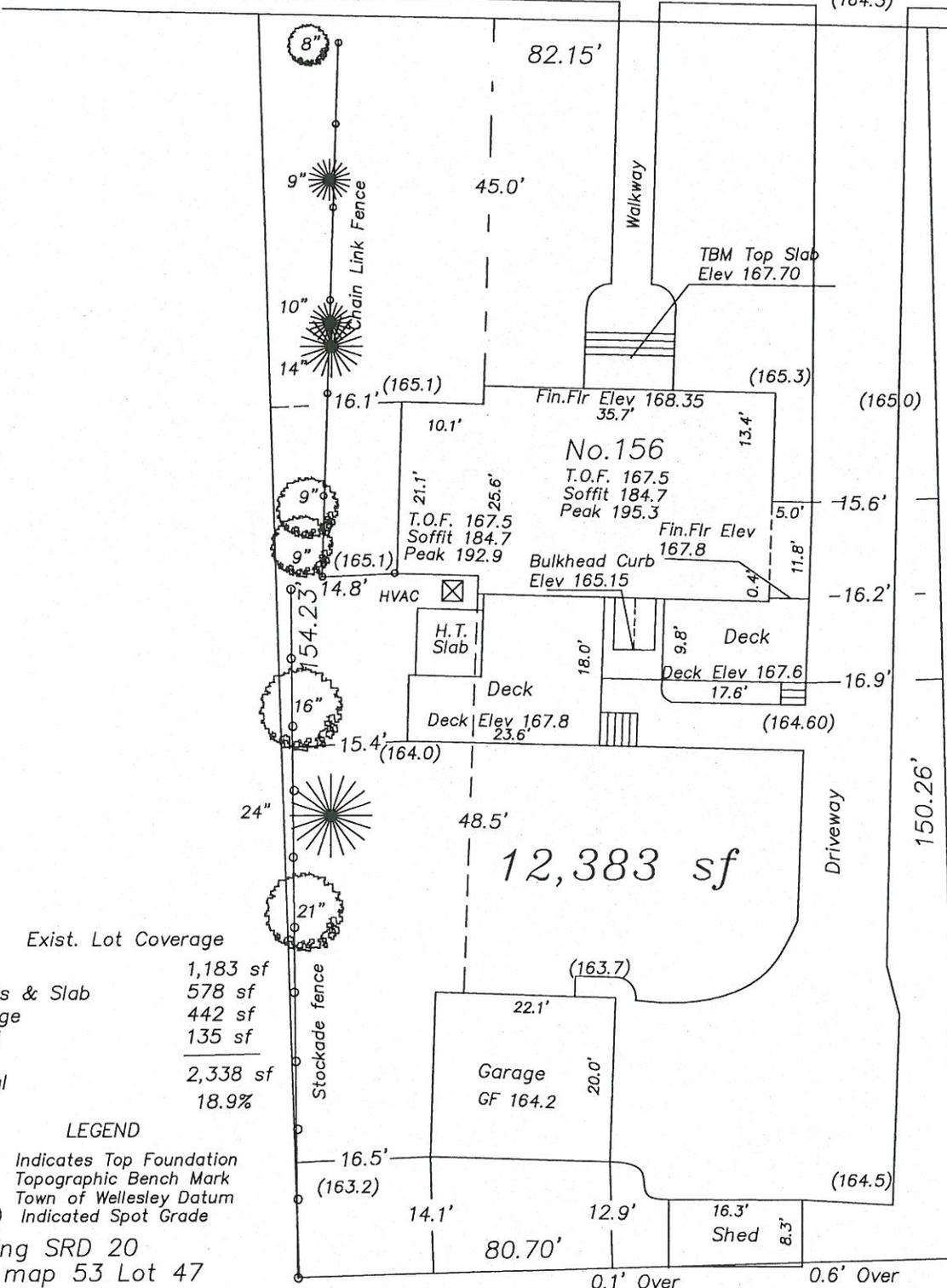
cc: Planning Board
Inspector of Buildings
lrm

WASHINGTON

(164.5)

STREET

(164.3)



2013 DEC 23 A 11:05
 PLANNING OFFICE
 WELLESLEY MA 02482

Exist. Lot Coverage

Hse	1,183 sf
Decks & Slab	578 sf
Garage	442 sf
Shed	135 sf
Total	2,338 sf
	18.9%

LEGEND

- T.O.F. Indicates Top Foundation
- TBM Topographic Bench Mark
- Town of Wellesley Datum
- (xxx.x) Indicated Spot Grade

Zoning SRD 20
 Ass map 53 Lot 47

I HEREBY CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME AS SHOWN HEREON. I FURTHER CERTIFY THAT THE BUILDING(S) ARE LOCATED AS SHOWN HEREON

SIGNED: _____



EXISTING CONDITIONS PLOT PLAN
 No.156 Washington Street
 WELLESLEY MASS.

Applicant: Steven & April Levitt

SCALE 1"=20' NOV 20, 2013

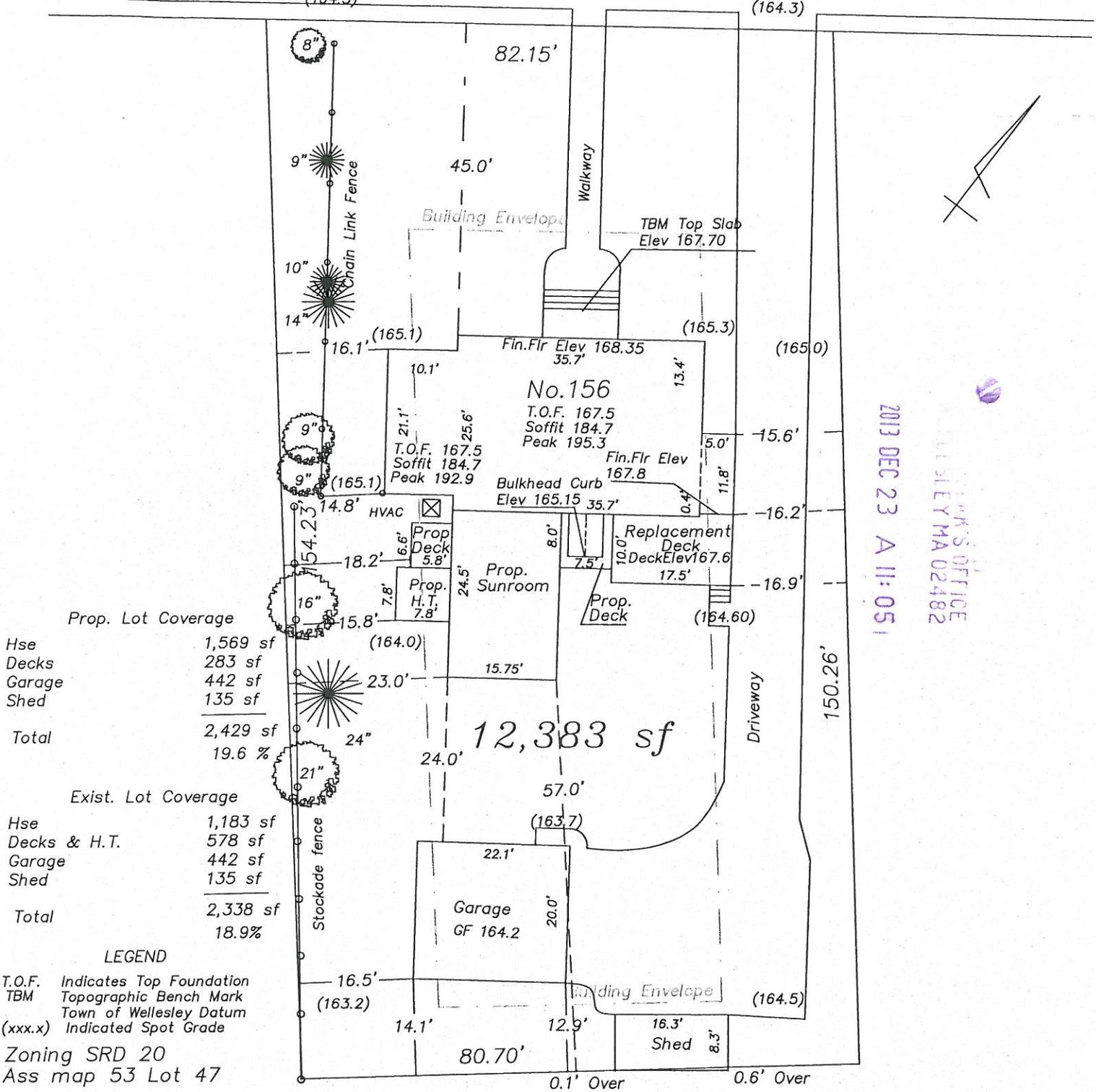
Drake Associates Inc.
 Civil Engineers Land Surveyors
 25 Wellesley Ave. Wellesley Mass
 508 877-0848
 FAX 781 416-1865

WASHINGTON

(164.5)

STREET

(164.3)



2013 DEC 23 A 11:05

RECORDS OFFICE
WELLESLEY MA 02482

Prop. Lot Coverage

Hse	1,569 sf
Decks	283 sf
Garage	442 sf
Shed	135 sf
Total	2,429 sf
	19.6 %

Exist. Lot Coverage

Hse	1,183 sf
Decks & H.T.	578 sf
Garage	442 sf
Shed	135 sf
Total	2,338 sf
	18.9 %

LEGEND

T.O.F. Indicates Top Foundation
 TBM Topographic Bench Mark
 Town of Wellesley Datum
 (xxx.x) Indicated Spot Grade

Zoning SRD 20
 Ass map 53 Lot 47

I HEREBY CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME AS SHOWN HEREON. I FURTHER CERTIFY THAT THE BUILDING(S) ARE LOCATED AS SHOWN HEREON

[Handwritten Signature]

SIGNED: _____



PROPOSED CONDITIONS PLOT PLAN
 No. 156 Washington Street
 WELLESLEY MASS.

Applicant: Steven & April Levitt

SCALE 1"=20' DEC 18, 2013

Drake Associates Inc.
 Civil Engineers Land Surveyors
 25 Wellesley Ave. Wellesley Mass
 508 877-0848
 FAX 781 416-1865