



ZONING BOARD OF APPEALS

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

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ZBA 2014-62
Petition of David Himmelberger
387 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 7, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of DAVID HIMMELBERGER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a roof over a landing area of an existing nonconforming porch with less than required front yard setbacks from Sylvester Terrace, on a corner lot in a 10,000 square foot Single Residence District, at 387 LINDEN STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 21, 2014, 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 David Himmelberger, (the "Petitioner"), requesting a Special Permit to cover an existing landing that is currently located in the setback area for a pre-existing nonconforming structure. He said that the existing landing is 12.2 feet from Sylvester Terrace. He said that it is approximately 24 square feet and they are requesting to cover it with a shed roof to provide protection against elements, particularly dripping and melting snow and ice in the wintertime. He said that it will not be substantially more detrimental than the existing nonconformity.

The Board said that the Linden Street setback, the Sylvester Terrace setback, and the side yard setback for the garage are nonconforming.

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 387 Linden Street, on a corner lot in a 10,000 square foot Single Residence District, with a minimum front yard setback of 21.1 from Linden Street, a minimum front yard setback of 12.2 feet from Sylvester Terrace, and a minimum side yard setback of 14.5 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 roof over a landing area of an existing nonconforming porch with less than required front yard setbacks from Sylvester Terrace, on a corner lot in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan, dated 6/18/14, stamped by Joyce E. Hastings, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/17/14, prepared by D. Michael Collins Architects, photographs and Letter to Zoning Board of Appeals, dated 6/24/14, from David Himmelberger were submitted.

On August 6, 2014, 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 roof over a landing area of an existing nonconforming porch with less than required front yard setbacks from Sylvester Terrace, on a corner lot in a 10,000 square foot Single Residence District is intensifying 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 roof over a landing area of an existing nonconforming porch with less than required front yard setbacks from Sylvester Terrace, on a corner lot in a 10,000 square foot Single Residence District, 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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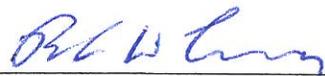
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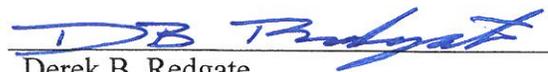
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



Robert W. Levy



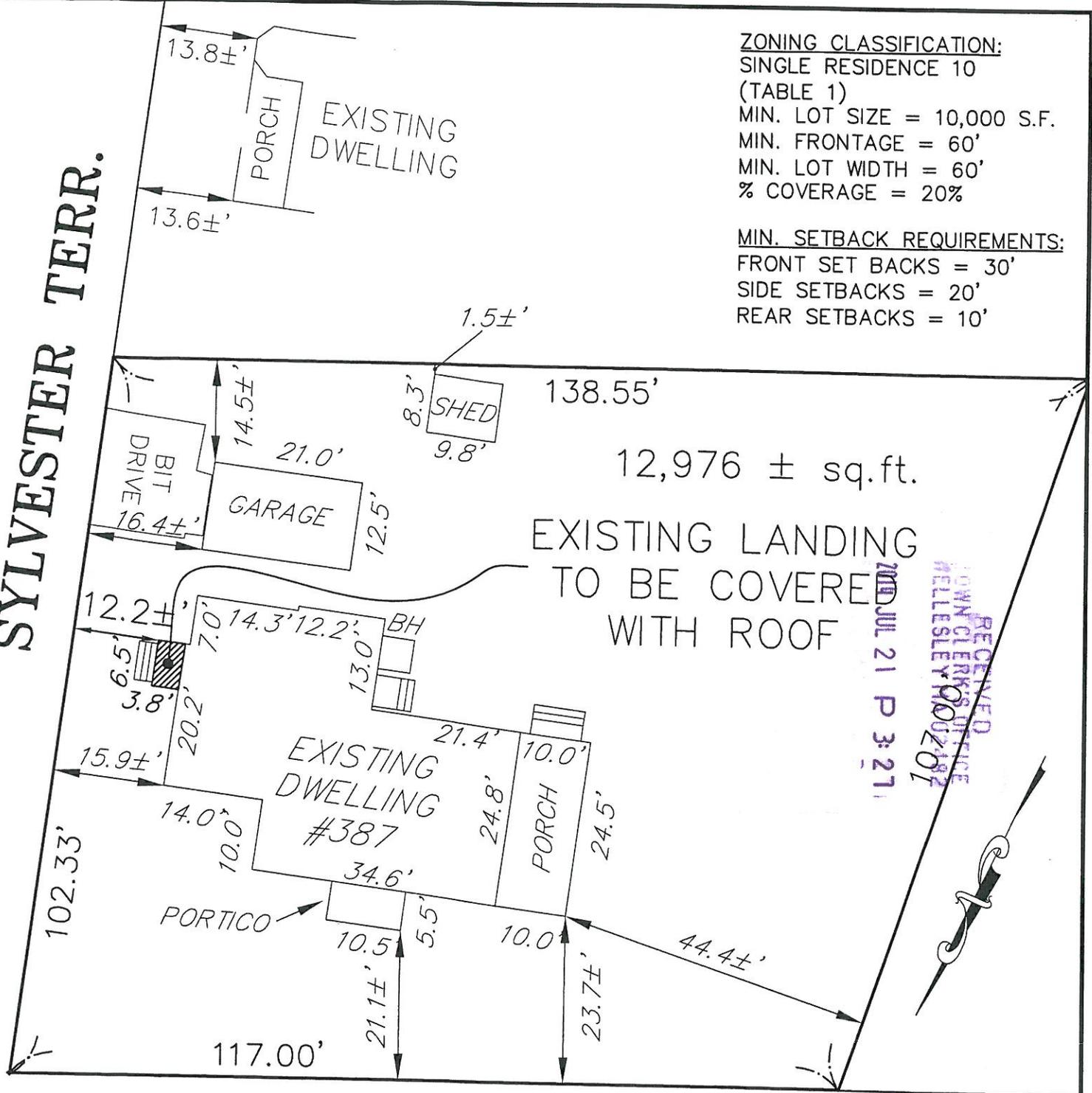
Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

SYLVESTER TERR.

ZONING CLASSIFICATION:
 SINGLE RESIDENCE 10
 (TABLE 1)
 MIN. LOT SIZE = 10,000 S.F.
 MIN. FRONTAGE = 60'
 MIN. LOT WIDTH = 60'
 % COVERAGE = 20%

MIN. SETBACK REQUIREMENTS:
 FRONT SET BACKS = 30'
 SIDE SETBACKS = 20'
 REAR SETBACKS = 10'



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LINDEN STREET

LOT COVERAGE:
 EXISTING=2,131.3 S.F. (16.4%)
 PROPOSED=2,131.3 S.F. (16.4%)

PLOT	PLAN	OF	LAND
	IN		
WELLESLEY	,		MASS.
SCALE : 1" = 20'		JUNE 18, 2014	
GLM ENGINEERING CONSULTANTS INC. 19 EXCHANGE STREET HOLLISTON , MASS. 429-1100			
JOB # 9431			



6/18/14

PROFESSIONAL LAND SURVEYOR DATE