



ZONING BOARD OF APPEALS

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ZBA 2014-67
Petition of Leslie Caffyn
10 Livermore Road

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 LESLIE CAFFYN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a cantilevered balcony off of the second floor of an existing nonconforming garage with less than required left side yard setbacks, at 10 LIVERMORE ROAD, 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 were Phillip Hresko, Architect, and Darren Wagner, representing his sister, Leslie Caffyn, (the "Petitioner"). Mr. Wagner said that he is also the Petitioner's Licensed Construction Supervisor of the project.

Mr. Hresko said that the proposal is at the rear of garage, not at the windows that face the street. He said that the garage is on Abbott Road. He said that the abutting property to the north belongs to the Town of Wellesley. He said that the existing garage is 2.4 feet from that property line. He said that they submitted photographs that show a dense tree line along the property line. He said that the view will change from a window to a door. He said that it will be cantilevered projection from the second floor out. He said that the idea is to have to extra exterior space. He said that the Petitioner's daughter will be living there when the project is completed.

The Board said that the left side yard setback is 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 10 Livermore Road, in a 20,000 square foot Single Residence District, with a minimum left side yard setback of 2.4 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 cantilevered balcony off of the second floor of

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an existing nonconforming garage with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/14/14, stamped by Daniel J. Tivnan, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/15/14, prepared by Hresko Associates, Inc., and photographs 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 cantilevered balcony off of the second floor of an existing nonconforming garage 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 construction of a cantilevered balcony off of the second floor of an existing nonconforming garage with less than required left side yard setbacks, in accordance with the submitted plot plan and construction drawings.

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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.

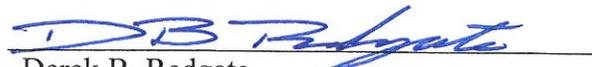
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


J. Randolph Becker, Acting Chairman


Robert W. Levy


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

