



ZONING BOARD OF APPEALS

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

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ZBA 2014-88

Petition of Andrew & Lynne Wagner
 24 Kipling Road

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 2014 OCT 23 P 3:11

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 9, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ANDREW & LYNNE WAGNER requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with basement with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a 14,405 square foot corner lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 15,000 square feet, at 24 KIPLING ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 23, 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 Lynne Wagner, (the Petitioner) and Leah McGavern, Architect. Ms. Wagner said that the request is for Zoning relief for an addition to their house. She said that the existing house is in the side yard setback and the proposal is to continue that line to incorporate the addition into the structure of the house.

The Board said that the Building Inspector pointed out that the Plot Plan and Construction Drawings do not match. Ms. McGavern said that it would have been helpful on the Plot Plan to show a dashed line to the roof. She said that the Building Inspector was concerned that roof will be in setback but it will not. She said that on Plan, A11, Proposed Exterior Perspectives, the roof that the Building Inspector is concerned about is the angled roof over the triple doors. She said that it follows the lot line and does not go into the existing nonconforming setback area. The Board said that it is new construction. The Board said that it may exceed the two feet that are allowed in the setback area. Ms. McGavern said that the requested relief is for the addition itself. The Board confirmed that it is part of a proposed structure. Ms. McGavern said that they had considered having that as internal space. She said that, because it is so close to the neighbors, it would be beneficial to the neighbors and the homeowners to pull it back. The Board said that the Building Inspector was questioning the dimension at 14.2 feet to the property line and the not more than two feet into the setback exception. Ms. McGavern said that they would like to ask for relief for that as well. The Board said that it is pretty consistent with the existing style of the home. Ms. McGavern said that the house is located on a corner lot and that it is more challenging. The Board said that it is more aesthetically pleasing to the neighbor as designed. Ms. McGavern said that they worked hard to not go forward. She said that there is not much room to go back and it is narrow on the left.

Steve Mahoney, 20 Emerson Road, said that he lives across the street. He said that the proposed addition seems to have been designed thoughtfully and in keeping with the neighborhood. He said that it allows this nice family to stay longer.

The Board said that the existing roof at the back appears to have a two foot overhang. Ms. McGavern said that the roof overhangs by one foot. The Board said that it could grant relief for an addition that does not go closer than 14.1 feet to the lot line.

Statement of Facts

The subject property is located at 24 Kipling Road, on a 14,405 square foot corner lot, in a district in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, with a minimum side yard setback of 14.1 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with basement with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a 14,405 square foot corner lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/28/14, stamped by Bruce Bradford, Professional Land Surveyor, Site Plan, dated 8/1/14, Existing Floor Plans and Elevation Drawings, dated 3/7/14, Proposed Floor Plans and Elevation Drawings, prepared by McGavern Design, and photographs were submitted.

On October 9, 2014, the Planning Board reviewed the petition and recommended that the petition 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 two-story addition with basement with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a 14,405 square foot corner lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 15,000 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 for construction of a two-story addition with basement with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a 14,405 square foot corner lot in a Water Supply Protection and Single Residence District in which the minimum lot size is 15,000 square feet, subject to the condition:

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- The addition shall not encroach more than existing structure. To the extent that the Building Inspector believes that it will extend further into the setback area, the Building Inspector shall be satisfied that it will not.

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.

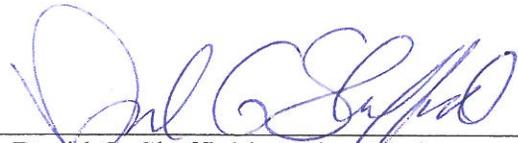
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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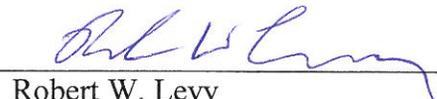
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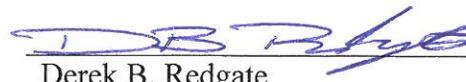
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy

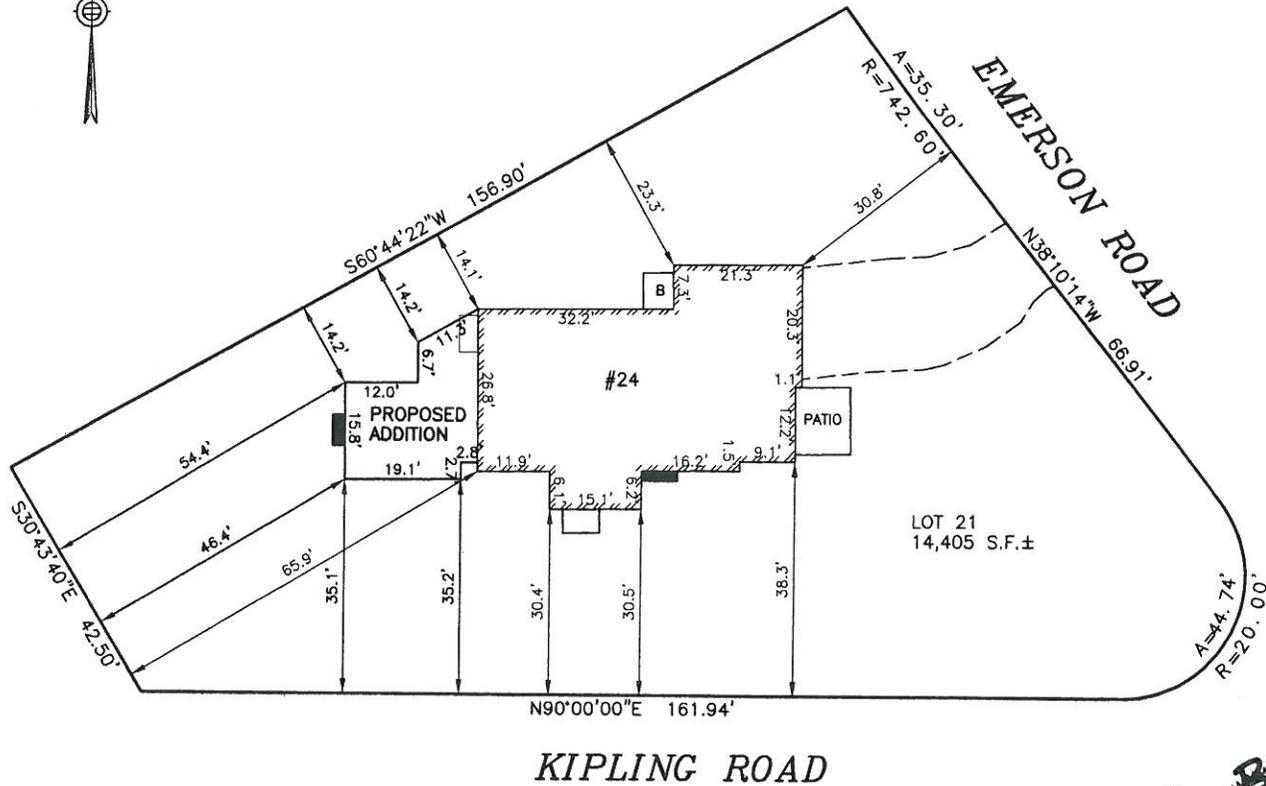


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



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ZONING DISTRICT SR-15
 EXISTING
 STRUCTURES 1,722 S.F.
 LOT COVERAGE 9.9%
 PROPOSED
 STRUCTURES 2,135 S.F.
 LOT COVERAGE 14.8%

**PLAN OF LAND IN
 WELLESLEY, MA**
 24 KIPLING ROAD
 TO ACCOMPANY PETITION OF
 LYNNE & ANDREW WAGNER

SCALE: 1 IN. = 20 FT.
 DATE: JULY 28, 2014
 DRAWN: ER
 CHECK: BB

REVISIONS:

PROJECT NO. 24275

