



ZONING BOARD OF APPEALS

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

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ZBA 2014-95
 Petition of Linda Chow & Mark Kaplan
 292 Weston Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 6, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of LINDA CHOW & MARK KAPLAN requesting a Variance pursuant to the provisions of Section XIVE, Section XIX and Section XXIV of the Zoning Bylaw for construction of a one-story addition with basement with less than required right side yard setbacks, on an existing structure with less than required right side yard setbacks, at 292 WESTON ROAD, in a 10,000 square foot Single Residence District and a Water Supply Protection District.

On October 20, 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 Mark Kaplan, (the Petitioner). He said that they are renovating the home at 292 Weston Road and are looking to put an addition at the back. He said that the way that the home is positioned on the lot is nonconforming and the addition will encroach three inches into the setback. He said that the home was built in 1872 and at that time the nearest house was at 851 Worcester Street, which was approximately 800 feet away. He said that the home at 294 Weston Road was built in the 1930's, which is when the nonconformity by today's rules happened.

The Board said that the request is for a variance and questioned the basis for the request. Mr. Kaplan said that the request for a variance is due to the shape of the lot and how the house is positioned on the lot. He said that the addition will not be parallel to the area where there is insufficient setback. The Board asked if the Petitioner's architect discussed options to come up with a compliant solution. The Board said that this is a large lot and there is space to do that. Mr. Kaplan said that when they bought the home their goal was to preserve the character of the house.

The Board discussed variance standards for this property. The Board said that the lot is rectangular. A Board member said that he was reluctant to consider the matter under a variance standard because location of the house on the lot does not meet the statutory intent for shape of the lot with respect to criteria for granting a variance. He said that this matter could be considered under a special permit standard with respect to a de minimis encroachment. He said that another option would be to ask the Petitioner to pull the addition in three inches.

The Board said that no alternative designs by the architect were submitted. Mr. Kaplan said that they did look at other possibilities but this preserves the character of the house best. He said that they have lived at the back for 20 years and cannot imagine it looking any different than it does.

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 2014 NOV 20 P 2:48

The Board said that the property at 294 Weston Road will be the most impacted by the project. The Board asked if Mr. Kaplan had discussed the plans for the addition with his neighbors on the right side. Mr. Kaplan said that he had and there were no objections.

Mr. Kaplan requested that the Board amend the application from a request for a variance to a request for a special permit.

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 292 Weston Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum right side yard setback of 16.2 feet.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story addition with basement with less than required right side yard setbacks, on an existing structure with less than required right side yard setbacks, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 9/8/14, stamped by Frank Iebba, Professional Land Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 8/10/14, revised 8/23/14, prepared by Robert J. Fizek, Architect, and photographs were submitted.

On November 4, 2014, the Planning Board reviewed the petition and recommended that the Variance be denied.

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 finding of this Authority that the .3 inch additional encroachment into the setback is de minimis and that although construction of a one-story addition with basement with less than required right side yard setbacks, on an existing structure with less than required right 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 for construction of a one-story addition with basement with less than required right side yard setbacks, on an existing structure with less than required right 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 construction plans.

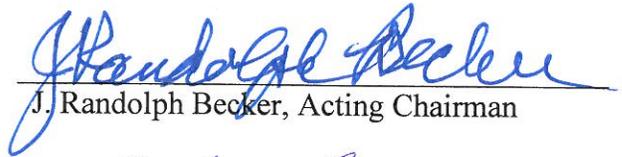
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

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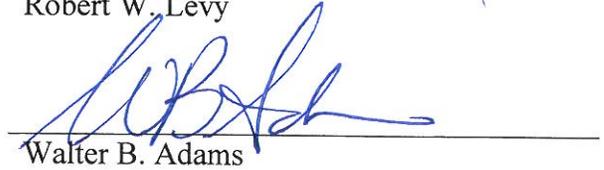
ZBA 2014-95
Petition of Linda Chow & Mark Kaplan
292 Weston Road

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WELLESLEY MA 02482
2014 NOV 20 P 2:36

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

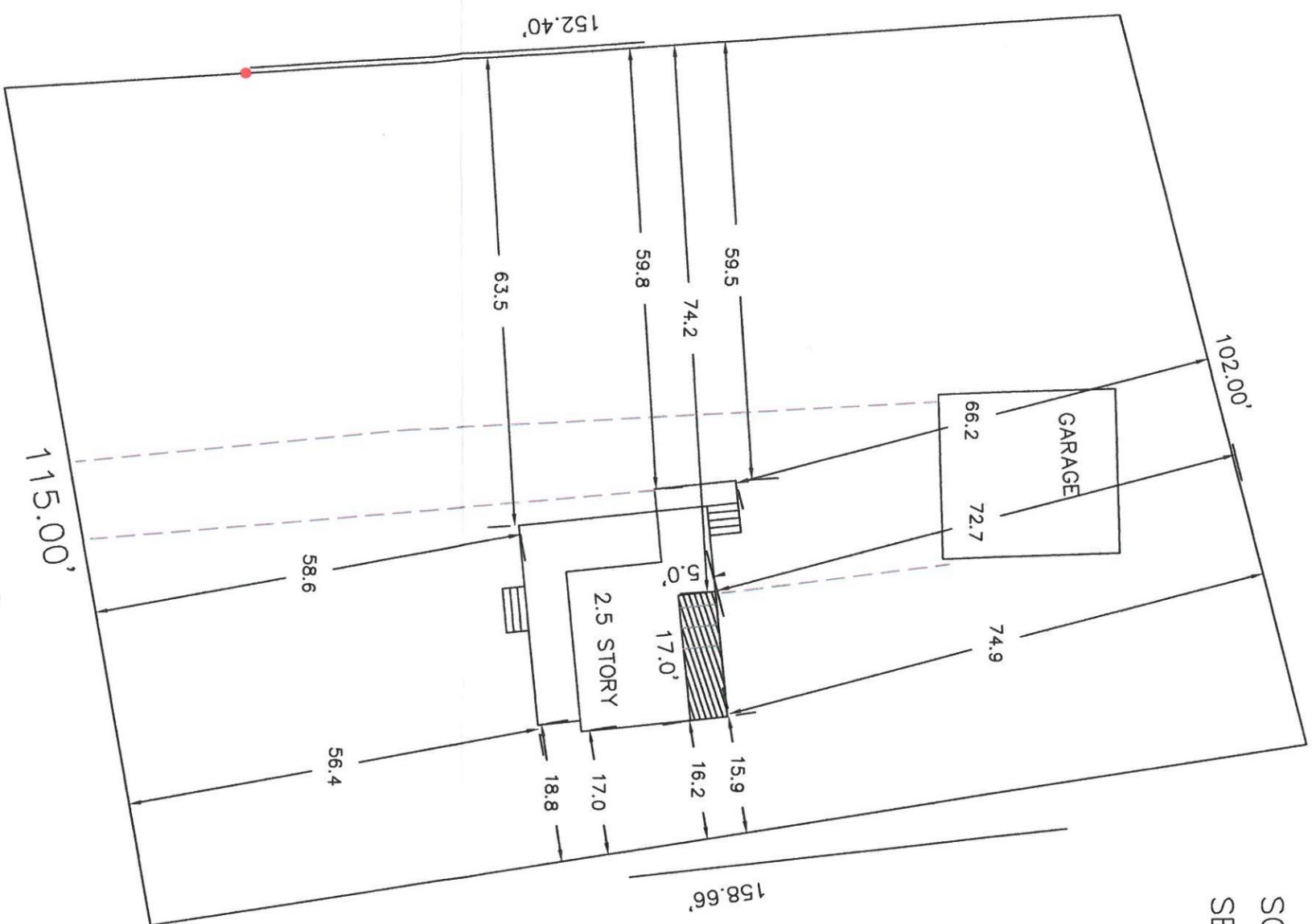
cc: Planning Board
Inspector of Buildings
lrm



PROPOSED ADDITION
 292 WESTON RD
 WELLESLEY, MA

SCALE: 1 IN = 20 FT
 SEPT 8, 2014

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 WELLESLEY MA 02482
 2014 OCT 20 P 3:08



WESTON ROAD

OWNER: LINDA CHOW

ASSESSORS MAP 171 MAP 30
 SRD 10 SINGLE RESIDENCE

LOT AREA: 16666 SF

EXISTING LOT COVER: 8.3 %
 (1376 SF)
 PROPOSED LOT COVER: 8.8 %
 (1461 SF)



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ZONING BOARD OF APPEALS

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ROBERT W. LEVY
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ZBA 2014-95 - Modified
 Petition of Linda Chow & Mark Kaplan
 292 Weston Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 9, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of LINDA CHOW & MARK KAPLAN requesting modification of a previously approved Special Permit that was granted on November 20, 2014, pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw for enclosure of an existing front porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, at 292 WESTON ROAD, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 22, 2015, 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 Linda Chow, the Petitioner. Ms. Chow said that they live at 21 Lafayette Circle. She said that they purchased the home at 292 Weston Road last year. She said that it abuts their back yard. She said that they received a special permit last year to renovate the house to expand it at the back. She said that they are renovating the house to create one floor living for her mother. She said that they would like to convert the enclosed front porch to living space. She said that the footprint will not change. She said that they will add a foundation. She said that the builder will use tubes for the foundation. She said that they are also asking to put a deck at the back of the house.

Ms. Chow said that construction is already under way.

The Board said that the survey is woefully inadequate. The Board said that it does not do a good job of describing what is happening and what is changing with relation to the setbacks. The Board said that the surveyor did not show the right side yard setback. The Board said that it was shown on the previous plot plan.

The Board said that the deck will be fully compliant. The Board said that the proposed design is a good improvement on the face of the house to the street.

There was no one present at the public hearing who wished to speak to the petition.

2015 JUL 23 PM 3:11
 TOWN OF WELLESLEY
 WELLESLEY, MA

Statement of Facts

The subject property is located at 292 Weston Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum right side yard setback of 15.9 feet.

The Petitioner is requesting modification of a previously approved Special Permit that was granted on November 20, 2014, pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw for enclosure of an existing front porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/15/15 and a Plot Plan, dated 9/8/14, stamped by Frank Iebba, Professional Land Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 8/10/14, revised 5/1/15 & 6/10/15, prepared by Robert J. Fizek, Architect, and photographs were submitted.

On July 7, 2015, 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 finding of this Authority that modification of a previously approved Special Permit that was granted on November 20, 2014, pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw for enclosure of an existing front porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, modification of a Special Permit is granted for enclosure of an existing front porch with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, in a Water Supply Protection 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 construction plans.

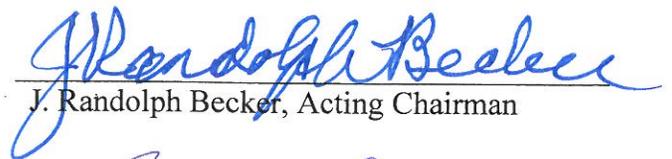
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

2015 JUL 23 4:51 PM
PLANNING BOARD
CITY OF WESTON

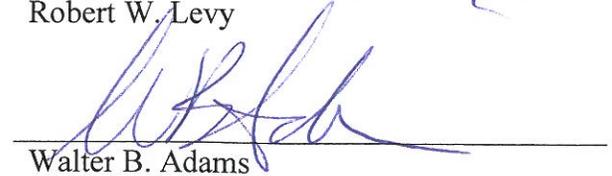
ZBA 2014-95 - Modified
Petition of Linda Chow & Mark Kaplan
292 Weston Road

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2015 JUL 23 P 3:45

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



FIELD FILE
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

2015 JUN 22 P 2:15

PROPOSED DECK
292 WESTON RD
WELLESLEY, MA
SCALE: 1 IN = 20 FT
JUNE 15, 2015

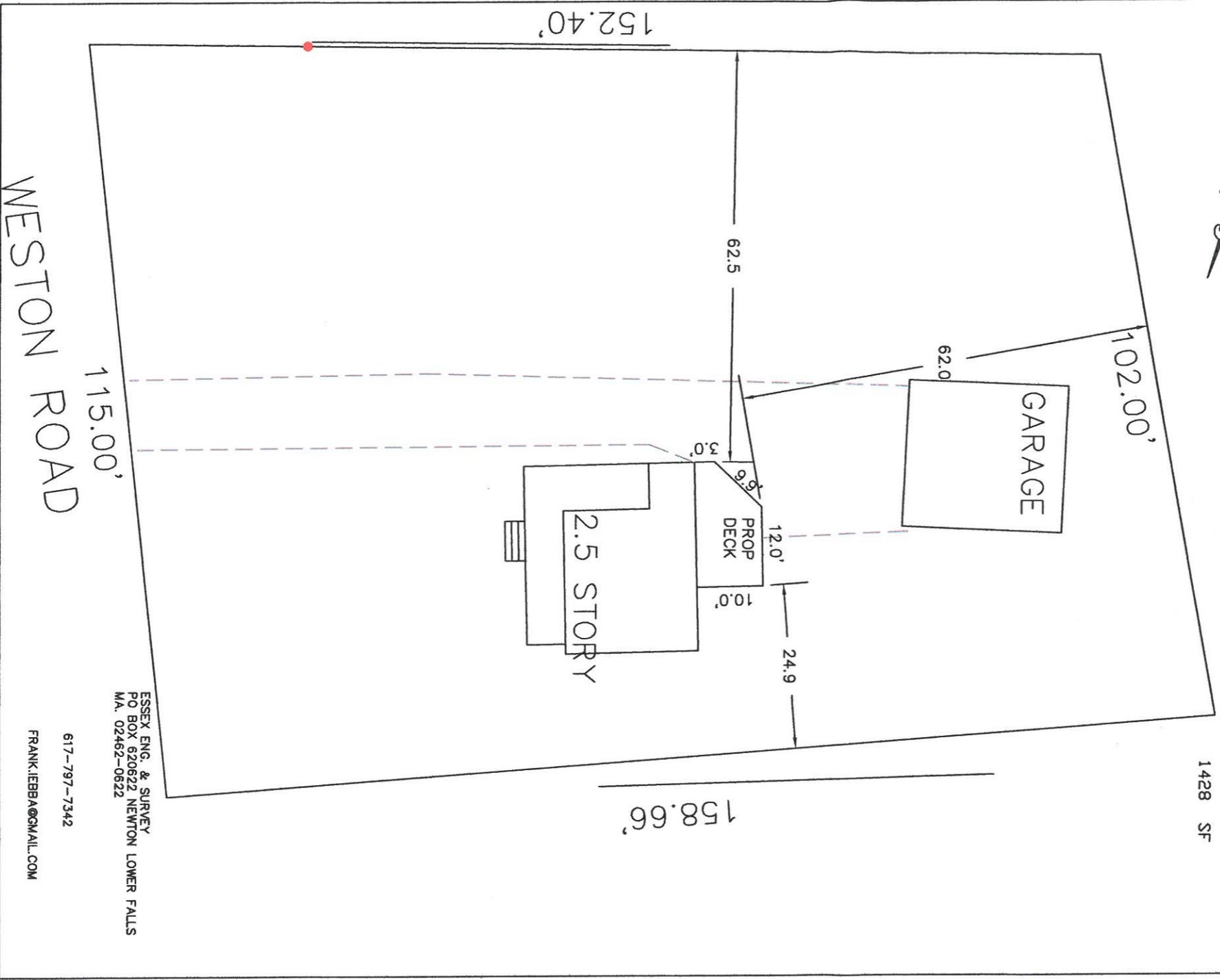
OWNER: LINDA CHOW
MARK KAPLAN
KIT H CHOW

ASSESSORS MAP 171 PARCEL 30
SINGLE RESIDENCE 10

LOT AREA: 16666 Sq. Feet +/-

EXIST LOT COVER: 7.6 %
1263 SF

PROPOSED LOT COVER: 8.6 %
1428 SF



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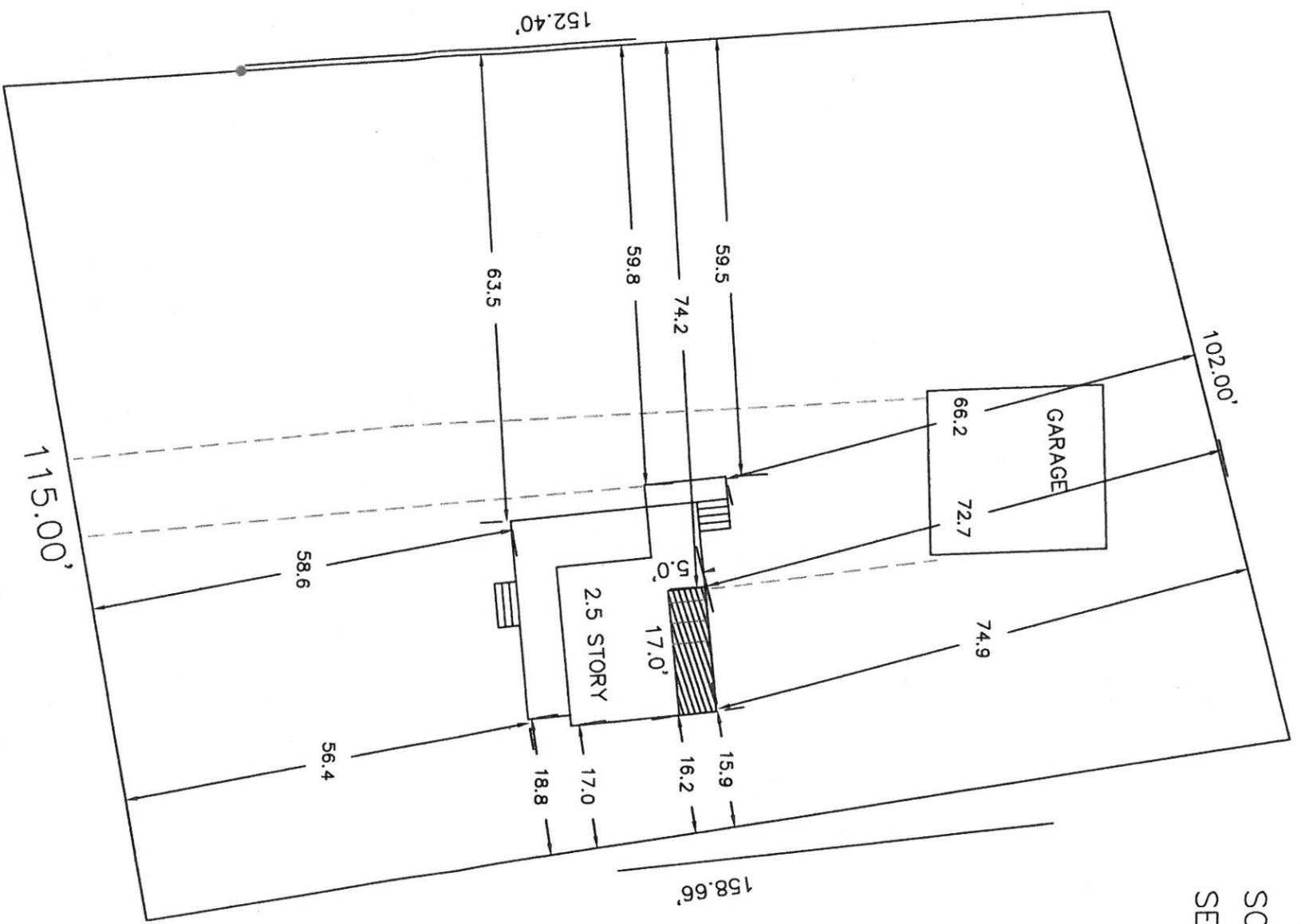
WESTON ROAD



PROPOSED ADDITION
 292 WESTON RD
 WELLESLEY, MA

SCALE: 1 IN = 20 FT
 SEPT 8, 2014

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 2014 OCT 20 P 3:08



OWNER: LINDA CHOW

ASSESSORS MAP 171 MAP 30
 SRD 10 SINGLE RESIDENCE

LOT AREA: 16666 SF

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 (1376 SF)
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