



ZONING BOARD OF APPEALS

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

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 2015 JUL 23 P 3:39

ZBA 2015-61
 Petition of Francisco Ceballas
 16 Cottonwood 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 FRANCISCO CEBALLAS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that razing the roof on an existing nonconforming two-story structure and garage and reconstruction of the roof over the garage and reconstruction of the roof over the two-story with the addition of living space in the attic, on an existing nonconforming structure with less than required front yard, right side yard and left side yard setbacks, on a 7,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 16 COTTONWOOD ROAD, 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 were Francisco Ceballas, the Petitioner and Asha Dubiel, Architect.

Mr. Ceballas said that the request is for a special permit to change the orientation of the roof and to raise the height 6 feet for a room and bathroom upstairs. He said that it is a nonconforming lot. He said that the footprint will not change. He said that they will not be getting any closer to the neighbors. He said that they have a growing family and need more space. He said that his parents and in-laws do not live in this country and come to stay with them. He said that one parent needs to be close to the hospital. He said that rather than being cramped, they would like to have space up there.

Mr. Ceballas said that another reason for the request is that the house has been having water issues for the past three to four years. He said that water comes in due to previous renovations. He said that the proposal is to simplify and streamline the roof and change its orientation to avoid water issues in the future.

Mr. Ceballas said that they will not add any windows that will impact the privacy of the neighbors. He said that they spoke with the four neighbors who are closest and they were happy with the plans. He said that they tried to keep everything as straightforward as possible.

Mr. Ceballas said that the height of the house will still be lower than some properties along the road. He said that it will not be a full attic. He said that they just need a bedroom and a bathroom. He said that they have been careful about the height.

The Board asked about the heights of other houses on the street. Mr. Ceballas said that there are two new constructions but he did not know the heights. A Board member said that there is a new house kitty corner from this. He said that it is a large house but not a three-story. He said that it does not have the proportional look of a three-story house.

Ms. Dubiel said that there will be a two-sided gable facing the street. She said that the other new house has a larger footprint. Mr. Ceballas said that the house behind is three stories but is on a larger lot. He said that the proposal here will not change the footprint.

The Board said that this is an undersized lot. The Board said that the front setback is 30 feet to the foundation. The Board said that the question is if the third floor on a structure on a 7,500 square foot lot would be more detrimental. The Board said that an issue is whether the third floor is an intensification of an existing nonconformity. The Board said that if it is an intensification, the Board has to find that it will not be substantially more detrimental if it grants approval.

The Board said that the design, although slightly unconventional, does minimize the bulk by changing the orientation of the roofline so as not to be impactful on the neighbors on either side. A Board member said that he would be more inclined to think of this as a 2.5 story because the third floor has such a small floor area. He said that the spiral stair will be a challenge. Mr. Ceballas said that it is just a simple bedroom and bathroom for the parents. He said that the neighbors on both sides have seen the plans and are okay with them. He said that the change in height will not impact the neighbors in a way that is harmful because the footprint will not change and the windows will not overlook them. He said that they did not want to expand the footprint or build over the garage. He said that they were looking for the minimal construction to get what they needed.

The Board said that by bringing the roofline down it will bring the eaveline down to what is consistent with a two- story house. Mr. Ceballas said that they will eliminate the flat roof where they have had issues with water. He said that the existing roof has different pockets. He said that the new roof will be one simple structure so that they can prevent water issues. He said that they will be blocking one window in the master bedroom that faces a neighbor.

The Board asked Mr. Ceballas which neighbors he had spoken with. Mr. Ceballas said that he spoke with the neighbors on both sides and two across the street. He said that he had not spoken with the owner of the new house and there is another neighbor that he has not able to contact. The Board confirmed that the neighbors at 14, 18, 19 and 23 Cottonwood Road are all happy with the plans. Mr. Ceballas said that they have tried to be very transparent with their plans.

A Board member said that he is sensitive to people with small lots. He said that if there are any conditions that could allow for a slightly larger structure, as long as it is a tasteful design, it should be acceptable.

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 16 Cottonwood Road, on a 7,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 29.8 feet (30 feet to the foundation), a minimum left side yard setback of 10.5 feet, and a minimum right side yard setback of 13.1 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that razing the roof on an existing nonconforming two-story structure and garage and reconstruction of the roof over the garage and reconstruction of the roof over the two-story with the addition of living space in the attic, on an existing nonconforming structure with less than required front yard, right side yard and left side yard setbacks, on a 7,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/16/15, stamped by Robert F. Drake, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/14/15, prepared by Asia Dubiel Design, and photographs were submitted.

On July 7, 2015, the Planning Board reviewed the petition and recommended that the Special Permit 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 opinion of this Authority that although razing the roof on an existing nonconforming two-story structure and garage and reconstruction of the roof over the garage and reconstruction of the roof over the two-story with the addition of living space in the attic, on an existing nonconforming structure with less than required front yard, right side yard and left side yard setbacks, on a 7,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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, as voted unanimously by this Authority at the Public Hearing, to raze the roof on an existing nonconforming two-story structure and garage and for reconstruction of the roof over the garage and reconstruction of the roof over the two-story with the addition of living space in the attic, on an existing nonconforming structure with less than required front yard, right side yard and left side yard setbacks, on a 7,500 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot 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.

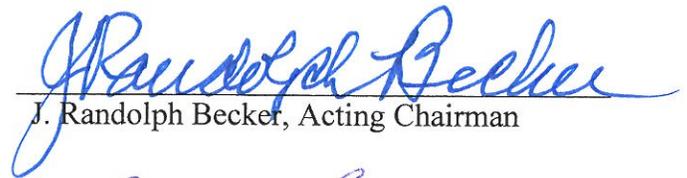
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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MUNICIPAL
W. LESLEY
JUL 23 10:39

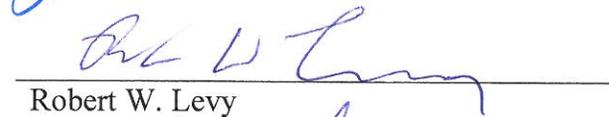
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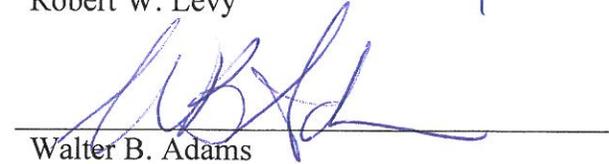
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



Robert W. Levy

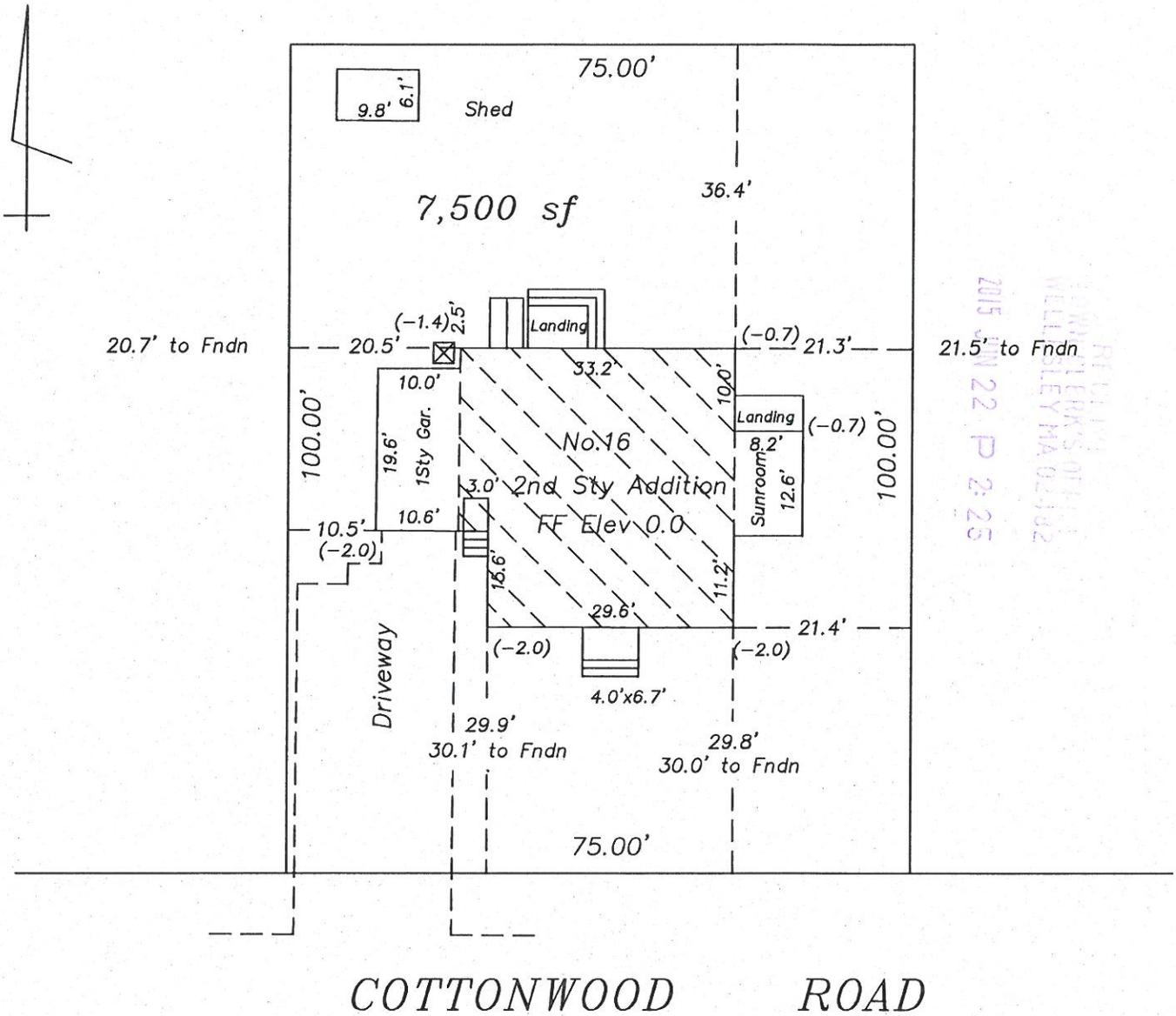


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

(xx.x) Indicates Spot Grade
 FF Indicates Finish Floor 0.0
 Existing Peak of Roof 23.7
 Proposed Peak of Roof 30.0

Exist. Lot Coverage 1,532 sf 20.4%
 Proposed Lot Coverage 1,532 sf 20.4%

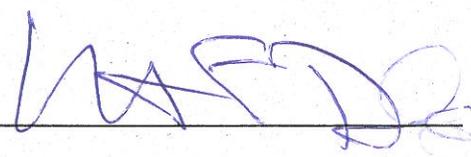


2015 JUN 22 P 2:25
 WELLESLEY MA 02158
 REGISTERED PROFESSIONAL LAND SURVEYOR

COTTONWOOD ROAD

Ass Map 99 Lot 97

I HEREBY CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME AS SHOWN HEREON.

SIGNED: 



CERTIFIED PLOT PLAN
 IN
 No. 16 Cottonwood Road
 WELLESLEY MASS.
 SCALE 1"=20' JUNE 16, 2015
 Drake Associates Inc.
 Civil Engineers Land Surveyors
 25 Wellesley Ave. Wellesley Mass.
 508 877-0848
 FAX 781 416-1865