



ZONING BOARD OF APPEALS

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

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ZBA 2016-16
 Petition of Siva & Reeta Lavu
 76 Sheridan Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 3, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Siva & Reeta Lavu requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming structure and construction of a two-story structure that will meet all setback requirements, on an 11,348 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 15,000 square feet, at 76 Sheridan Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 16, 2016, 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 Siva and Reeta Lavu, the Petitioner, and Steven Baczek, Architect.

Mr. Lavu said that the request is for a special permit to replace an existing nonconforming structure with a conforming two-story structure that will meet all Zoning requirements.

Mr. Lavu said that they moved into town about four years ago. He said that they are a growing young family. He said that after living here they learned what works for them and what does not. He said that they designed the project with their Architect, Mr. Baczek.

Mr. Lavu said that the lot is 11,347 square feet in a 15,000 square foot Single Residence District.

The Board said that the proposed structure was not designed right to the setback. The Board confirmed that the only nonconformity is the lot size.

The Board asked about Total Living Area plus Garage (TLAG) calculations. Mr. Lavu said that it will be 4,096 square feet.

The Chairman said that the average lot size in the neighborhood is 20 percent short of 15,000 square feet.

Fred Schiffer, 72 Sheridan Road, said that he is an abutter. He said that his home is approximately 1,800 square feet. He said that he has lived there for 35 years. He said that it is a quarter acre lot with a lovely backyard. He said that about 10 years ago they put on a sunroom addition that they enjoy. He said that

he spoke with the neighbors last week and told them that he thought that the size of the proposed house is detrimental to his sunroom and backyard. He said that it will be a different experience. He said that it will make a significant difference to the quality of his life. He said that he suggested to the neighbors that they plant evergreens between the properties. He said that there are a number of invasive Norway Maples growing along the wall. He said that some of them would need to be removed. He said that he was not sure if the neighbors are comfortable with that. A Board member said that Mr. Schiffer's property is to the south of the Lavu's property. He said that the construction would not significantly impact the amount of sun that the Schiffers would get. He said that the screening would give the Schiffers more visual privacy. A Board member said that he agreed that screening is nice but he was not sure that it is something that the Board would entertain as a condition. The Chairman said that nothing in the bylaw controls plantings along the property line. He said that is something that the Schiffers can work out with the Lavus.

A Board member said that the Board has to make a finding that the proposed structure will not be more detrimental to the neighborhood than the existing structure. He said that the proposed structure will meet all setback and height requirements. He said that if the lot was 400 square feet larger, this project would not be before the Board.

A Board member said that the neighbors could possibly benefit from the screening too. He said that it would be good if the Lavus would work with the Schiffers to come up with something that will work for both. He said that adding screening would reduce the amount of lot area that the Lavus have to use. He said that they could agree to put the trees right on the lot line and share the space.

The Board said that it typically would approve a request for a project that is fully compliant except for the lot size. The Board said that the height of the structure will be six feet under the maximum allowed. The Board said that Mr. Schiffer did not express concern about the size and bulk of the structure.

A Board member asked if the Schiffers were concerned about neighbors looking out at them from a second story window. Mr. Schiffer said that right now there is a sense of privacy. A Board member said that the existing house is a two-story structure.

Mr. Baczek said that they can try to work out screening. He said that he would like to know what the ultimate goal is so that they can possibly work something out. The Board said that the issue seems to be the issue of privacy. The Board said that screening will help.

Statement of Facts

The subject property is located at 76 Sheridan Road, on an 11,348 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 15,000 square 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 demolition of an existing nonconforming structure and construction of a two-story structure that will meet all setback requirements, on an 11,348 square foot lot in a Water Supply Protection District and a 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.

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A Plot Plan, dated 2/4/16, stamped by John R. Hamel, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 2/2/16, prepared by Steven Baczek, Architect, and photographs were submitted.

On February 23, 2016, the Planning Board reviewed the petition and recommended that the Board defer action.

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 demolition of an existing nonconforming structure and construction of a two-story structure that will meet all setback requirements, on an 11,348 square foot lot in a Water Supply Protection District and a 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, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming structure and construction of a two-story structure that will meet all setback requirements, on an 11,348 square foot lot in a Water Supply Protection District and a Single Residence District in which the minimum lot size is 15,000 square feet, 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.

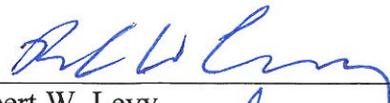
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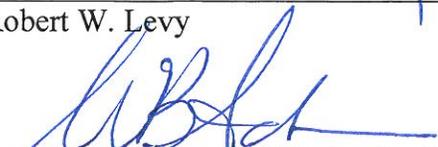
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


J. Randolph Becker, Acting Chairman


Robert W. Levy


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

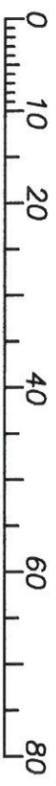
SITE PLAN
76 SHERIDAN ROAD
WELLESLEY, MASSACHUSETTS

1 INCH = 20 FEET FEBRUARY 4, 2016

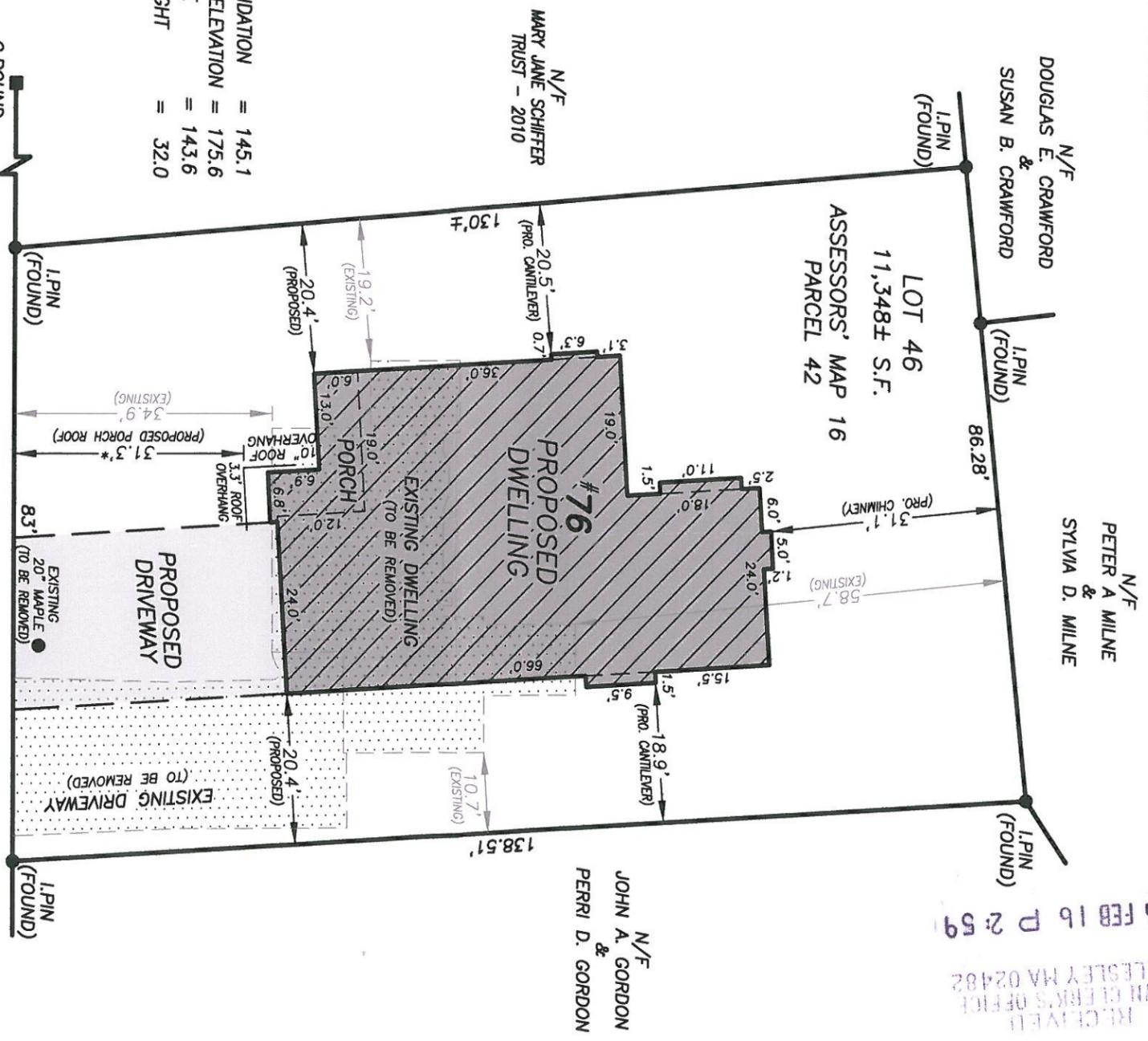
SNELLING & HAMEL ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS & ENGINEERS
 10 LEWIS STREET P.O. BOX 102
 LINCOLN, MASSACHUSETTS 01773
 (781) 259-0071

OWNERS OF RECORD:
 SVA LAVU
 &
 REETA LAVU
 BK.30249 PG.336

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- NOTES:
- PROPOSED TOP OF FOUNDATION = 145.1
 - PROPOSED ROOF RIDGE ELEVATION = 175.6
 - EXISTING AVERAGE GRADE = 143.6
 - PROPOSED BUILDING HEIGHT = 32.0

- NOTES:
- ZONING DISTRICT: SINGLE RESIDENCE 15
 - EXISTING LOT COVERAGE = 1,238± SQ. FT. OR 10.9%
 - PROPOSED LOT COVERAGE = 2,460± SQ. FT. OR 21.7%
 - CONSTRUCTION STAKEOUT IS NECESSARY TO ASSIST WITH THE CORRECT PLACEMENT OF THE PROPOSED DWELLING.
 - * - FRONT YARD SETBACK REQUIRED IS 30.8' DUE TO THE SETBACK OF 56 SHERIDAN ROAD, AS IT PERTAINS TO THE 500' RULE OF FRONTAGE DEFINED IN ZONING BY-LAW SECTION XIX.

PLAN REFERENCE:
 - PLAN NUMBER 650 OF 1939

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF DECEMBER 21, 2015, WITH THE USE OF A TOPCON TOTAL STATION.

- BENCHMARKS: (TOWN OF WELLESLEY BASE)
- BM1 - SPIKE SET 1'± UP IN UTILITY POLE #2
 ELEVATION = 145.46
 - BM2 - NORTHERLY EDGE OF SEWER MANHOLE RIM
 IN FRONT OF #64 SHERIDAN ROAD.
 ELEVATION = 143.43
 *INVERT = 136.79 (HELD)

[Signature]
 JOHN R. HAMEL
 PROFESSIONAL
 LAND SURVEYOR



DATE: 2-4-2016