



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

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FRANKLIN P. PARKER
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ZBA 90-68
Petition of Kendrick R. and Debra K. Brede
1 Bacon Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 30, 1990 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of KENDRICK R. AND DEBRA K. BREDE requesting a Finding pursuant to the provisions of Section XVII and Section XXIV-D of the Zoning Bylaw that the change in use and structure of their pre-existing non-conforming garage at 1 BACON STREET, in a Single Residence District, with less than the required right side yard, from a garage to a library/study shall not be substantially more detrimental than the existing use and structure to the neighborhood. The structural changes shall consist of the addition of french doors, a window and a fireplace.

On August 13, 1990, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Kendrick Brede, who said that the change in use involved no change in the footprint. He stated that two years ago the Zoning Board approved the construction of the garage. However, the structure has never been used as a garage, but as a workshop for the completion of the internal remodeling of the house. The driveway from Bacon Street has been repaved and will provide ample parking. The new use would be as a library/study with a computer and a telephone.

George Khorikian, 3 Bacon Road, voiced opposition to the petition. He said that when the Bredes applied for a variance for the garage two years ago, he was not aware that two bedrooms would be constructed above the garage. These two bedrooms overlook Mr. Khorikian's bedrooms, which result in a loss of privacy. The conversion of the garage to living space would compound the problem, as his bedrooms could also be seen from the converted library. Although shrubbery provides a screen between the properties, the Brede property is much higher than Mr. Khorikian's, and he is uncomfortable with the fact that his bedrooms can be viewed from both the first and second floors of the Brede dwelling.

The Board asked Dr. Brede the reason for the requested change. Dr. Brede responded that his wife is a financial consultant, who wishes to have the option of conducting her business at home in the future. Her business involves client contact on the telephone, and the library would be used for that purpose. No clients would come to the house.

No other person present had any comment on the petition.

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Statement of Facts

The non-conforming dwelling is located at 1 Bacon Street, in a Single Residence District, on a 16,100 square foot lot. In July, 1988, the petitioners requested and were granted a variance to construct a two-story garage, approximately 21 feet 7 inches by 28 feet 6 inches which left a minimum right side yard clearance of 17.3 feet from the property line (ZBA 88-63).

The petitioners are requesting a Finding pursuant to the provisions of Section XVII of the Zoning Bylaw that the change of use of the garage portion of the structure from a garage to a library/study and the structural changes involved in this change will not be more detrimental to the neighborhood than the existing use and structure. The structural changes will consist of the installation of french doors, a window and a fireplace.

A Plot Plan, dated June 14, 1988, drawn by John P. Hurney, Registered Land Surveyor; construction drawings and elevations; and photographs were submitted.

The Planning Board, on August 21, 1990, voted to recommend that the petition be denied on the basis that living space expansion into the non-conforming yard will be more detrimental to the neighborhood.

Decision

This Authority has made a careful study of the evidence presented. The existing structure is non-conforming as noted in the foregoing Statement of Facts.

It is the Finding of this Authority that the proposed change of use and accompanying structural changes from a garage to a library/study will not be more detrimental to the neighborhood than the existing structure and use under the following conditions:

1. That evergreens be planted to provide a visual block between the second story of the subject dwelling and the bedroom area of the dwelling at 3 Bacon Street. Documentation of adherence to this condition must be submitted to the office of the Board of Appeals prior to the issuance of any Building Permit for the requested structural changes.
2. That the change of use from a garage to a library/study will not be extended to use for business purposes without the granting of a home occupation permit by either the Building Department or the Zoning Board of Appeals.

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After proof of compliance with Condition 1 of this decision by the petitioner has been submitted to the office of the Zoning Board, the Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and construction plans.

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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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On Thursday, November 29, 1990, the Board of Appeals held a Business Meeting at 7:30 p.m. in the office of the Board of Appeals and voted unanimously to amend the first Condition stated in the above referenced decision.

Due to the impracticality of requiring a visual block at the height of 25 feet to create a screen between the second story of the subject dwelling and the bedroom area of the dwelling at 3 Bacon Street, the Board of Appeals has reconsidered the requirements of said Condition. In the opinion of this Board, the invasion of privacy is de minimus, and the enforcement of said condition would constitute a considerable hardship to the petitioner.

Condition 1 which previously stated:

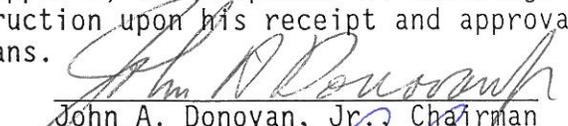
- "1. That evergreens be planted to provide a visual block between the second story of the subject dwelling and the bedroom area of the dwelling at 3 Bacon Street. Documentation of adherence to this condition must be submitted to the office of the Board of Appeals prior to the issuance of any Building Permit for the requested structural changes."

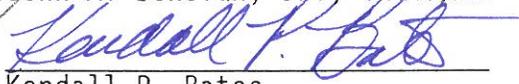
is hereby amended to read as follows:

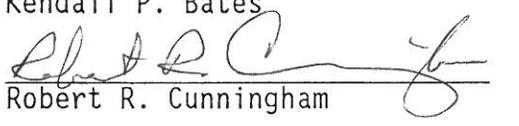
- "1. Evergreens shall be installed and maintained to provide a visual block between the ground level of the garage at 1 Bacon Street and the abutting property at 3 Bacon Street. Documentation of adherence to this condition must be submitted to the office of the Board of Appeals prior to the issuance of any Building Permit for the requested structural changes.

Condition #2 shall remain in force.

After proof of compliance with Condition 1 as hereby amended has been submitted by the petitioner to the office of the Board of Appeals, the Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and construction plans.


John A. Donovan, Jr. Chairman


Kendall P. Bates


Robert R. Cunningham

cc: Planning Board
Inspector of Buildings

edg

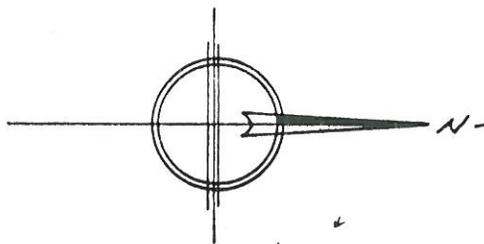
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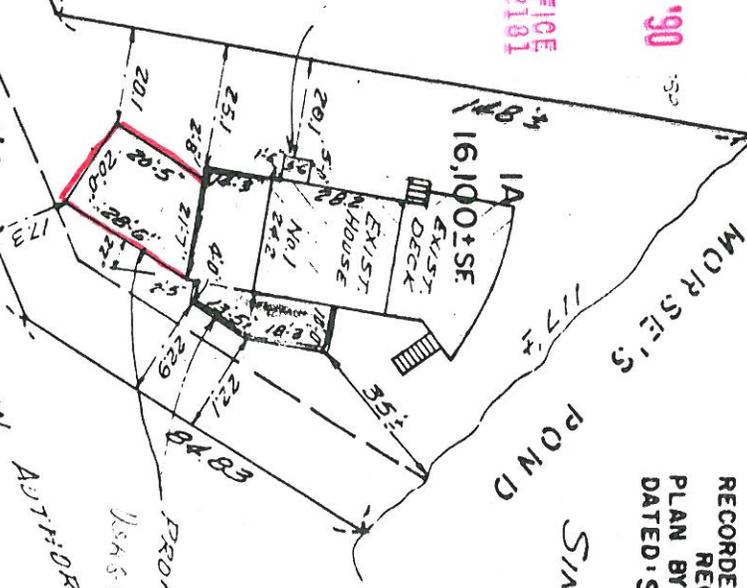
LOT DESIGNATIONS REFER TO
BOOK 3597 PAGE 538

RECORDED: NORFOLK
REGISTRY OF DEEDS
PLAN BY Mac Carthy Engg. Service, Inc.
DATED: Sept. 24, 1957

SINGLE RES. "15" ZONE



GEORGE
KHORIKIAN



PROPOSED
USAGE CHANGE AREA
EXISTING LOT COVERAGE: 7.9%
PROPOSED LOT COVERAGE: 14.9%

8' RT. OF WAY
L=30.00
R=65.00
L=40.00
122.00
16' RIGHT OF WAY
153.52
MASS. BAY
TRANSFORMATION AUTHORITY

BACON ST.

I CERTIFY THAT THIS BUILDING AND THE PROPOSED ADDITIONS ARE LOCATED AS SHOWN.

JOHN P. HURNEY
REGISTERED LAND SURVEYOR
No. 8743
REGISTERED LAND SURVEYOR No. 6743

WELLESLEY, MASS.

SCALE: 1 IN. = 40 FT.
JUNE 14, 1988

BARNES ENGINEERING COMPANY, INC.
411 LEXINGTON STREET
AUBURNDALE - MASS.