



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

MAY 6 8 51 AM '97

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ZBA 97-23

Petition of Thomas and Victoria Keiser
38 Inverness Road

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, April 24, 1997 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley on the petition of THOMAS AND VICTORIA KEISER requesting the following:

1. A Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the installation of a two-story 4.5 foot by 18.3 foot bay window addition, with less than the required left side yard setback, at their nonconforming dwelling with less than the required left and right side yard setbacks, at 38 INVERNESS ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

2. A variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to construct a 20.3 foot by 4.5 foot second story roof overhang, above the proposed bay window addition, which will have less than the required left side yard setback.

On April 7, 1997, the petitioners filed a request for a hearing before these Authorities, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Thomas Keiser, who was accompanied by his wife, Victoria, and his architect, John Chapman. Mr. Keiser said they would like to add space in the master bedroom area. The bay window addition would extend from the second floor to the ground, and would be constructed on a pier foundation. The footprint of the addition would not encroach any farther than the existing house.

Mr. Keiser explained that, in the planning stage, they felt that the addition would look better with the roof overhang, which requires a variance, as it will extend closer to the left side line. There is no abutting house in the area of the addition. There is a right-of-way for the Wellesley Country Club, and a house beyond the right-of-way. Letters from the Country Club and from the owners of the adjacent property were sent in support of the petition.

The Board noted that the Wetlands Committee had placed two conditions on the construction, which must be complied with.

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No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 38 Inverness Road, in a Single Residence District, on a 19,018 square foot lot, and has a minimum right side yard clearance of 14.78 feet and a minimum left side yard clearance of 17.62 feet. The property is bounded by the Wellesley Country Club on the left and rear lot lines, and has a brook running through the left rear portion of the lot.

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The petitioners are requesting a Special Permit/Finding that the construction of a 4.5 foot by 18.3 foot two-story bay window addition, with a minimum left side yard clearance of 18.34 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

They are also requesting a variance to construct a 4.5 foot by 20.3 foot second story roof overhang which will have a minimum left side yard clearance of 14.45 feet.

A Plot Plan dated March 12, 1997, drawn by Alexander Crucoli, Registered Professional Land Surveyor; Existing and Proposed floor plans and elevations, dated March 22, 1997, drawn by John Chapman; and photographs were submitted.

Letters in support of the petition were received from the Wellesley Country Club and from Bob Lamoureux, 7 Lincoln Road, an adjacent property owner.

On March 27, 1997, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with Conditions for the proposed project.

On April 15, 1997, the Planning Board reviewed the petition and offered no objection to the granting of both requests.

Decision

The Permit Granting Authority and the Special Permit Granting Authority have made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the finding of the Special Permit Granting Authority that the proposed 4.5 foot by 18.3 foot two-story bay window addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will not create any new nonconformance, nor will it intensify the existing nonconformance.

A Special Permit for said bay window addition is granted, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plot plan and construction drawings, and further subject to all conditions listed in the Negative Determination of Applicability issued by the Wetlands Protection Committee for this project.

It is the opinion of the Permit Granting Authority that although the left rear corner of the proposed 4.5 foot by 20.3 foot second story roof overhang will encroach 3.17 feet further into the left side yard than the existing nonconforming dwelling, that this can be allowed as there is no dwelling closer than 80 feet which would be affected, and the proposed overhang does not involve additional footprint.

Furthermore, it is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners, and desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted, as voted unanimously by the Permit Granting Authority, at the Public Hearing, for the second story roof overhang, subject to construction in accordance with the submitted plot plan, construction drawings, and further subject to all conditions listed in the aforementioned Negative Determination of Applicability.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and detailed 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
Wetlands Protection Committee
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman



William E. Polletta



Robert A. Bastille

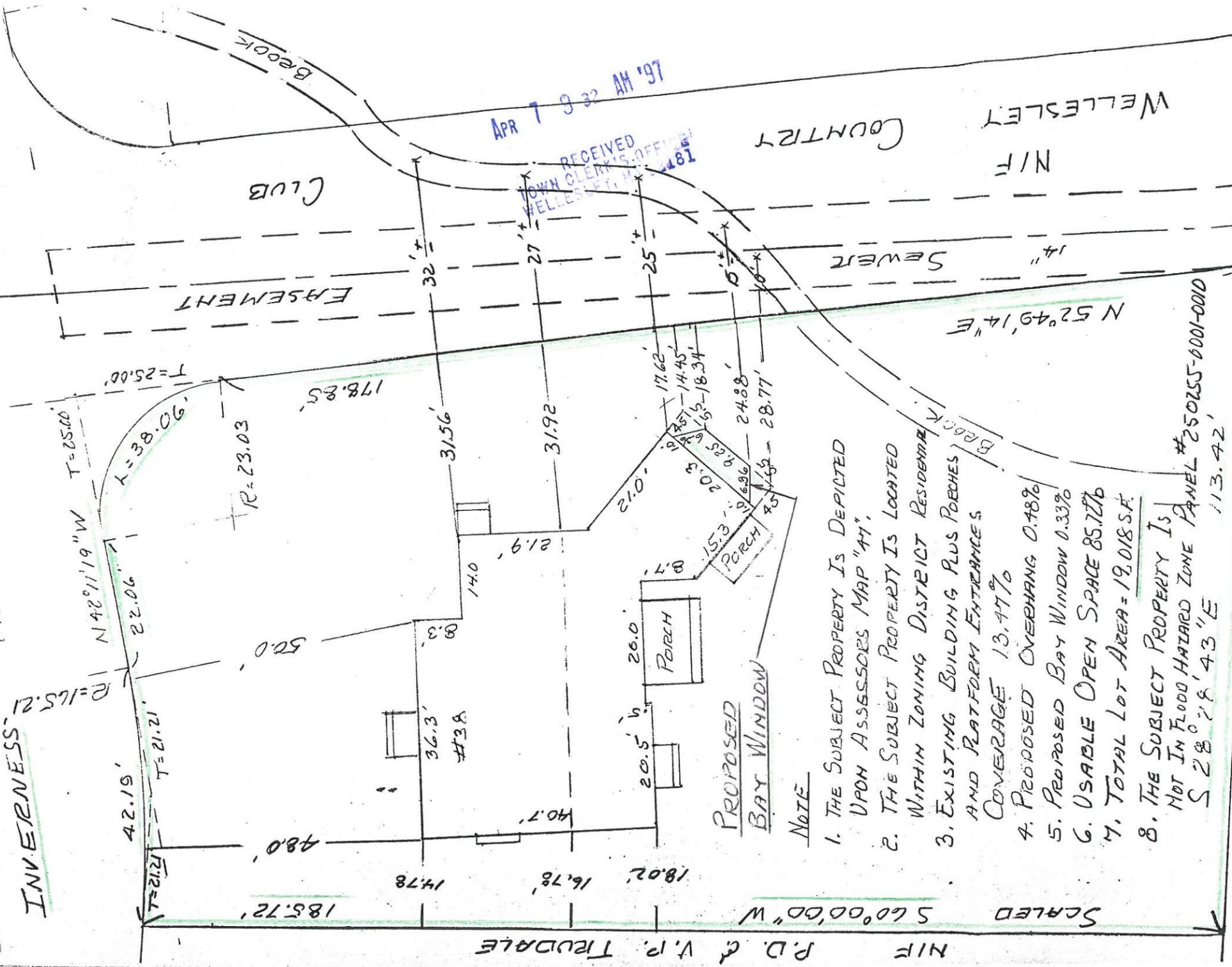
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WELLESLEY — MASS.
 SCALE: 1" = 20' MARCH 12, 1997
 SURVEYOR ALEXANDER CRUCIOLI
 ACRES — ENGINEERS, SURVEYORS
 57 WINTHROP ROAD
 CHELSEA, MASS.



Olley



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NOTE

1. THE SUBJECT PROPERTY IS DEPICTED UPON ASSESSOR'S MAP "41".
2. THE SUBJECT PROPERTY IS LOCATED WITHIN ZONING DISTRICT RESIDENMA.
3. EXISTING BUILDING PLUS PORCHES AND PLATFORM ENTRANCES COVERAGE 13.47%
4. PROPOSED OVERHANG 0.48%
5. PROPOSED BAY WINDOW 0.33%
6. USABLE OPEN SPACE 85.72%
7. TOTAL LOT AREA = 19,018 SF.
8. THE SUBJECT PROPERTY IS NOT IN FLOOD HAZARD ZONE PANEL #250255-0001-0010 S 28° 28' 43" E 113.42'

SCALED 560'00"00" W
 P.D. & V.P. TRUDALE

WELLESLEY N/F COUNTRY CLUB
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