

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1998 MAY -8 A 8:04

JOHN A. DONOVAN
KENDALL P. BATES
WILLIAM E. POLLETTA

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

SUMNER H. BABCOCK
ROBERT A. BASTILLE
CYNTHIA S. HIBBARD

ZBA 98-33

Petition of Roxane Van Hove
6 Midland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 30, 1998 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 ROXANE VAN HOVE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing second story deck and construction of a one-story 11.1 foot by 10 foot addition, which will increase the nonconforming percentage of lot coverage from 21.87% to 22.37% at her nonconforming dwelling with less than the required right side yard setback, at 6 MIDLAND ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure and lot coverage.

On April 7, 1998, 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 Verne Porter, Registered Land Surveyor, who was accompanied by Christopher O'Keefe, the petitioner's husband. Mr. Porter said that the second floor deck will be removed, and the addition built in the same location at almost the same height. The lot coverage will increase by only half a percent.

Mr. Porter explained that the lot is exactly 10,000 square feet. Prior to the recent change in the allowed percentage of lot coverage, 25% of the lot could have been covered and the addition would have conformed. Under present zoning regulations, only 20% of the lot can be covered, which makes the existing dwelling nonconforming without the addition. The addition will fill in the left rear corner of the building, and will not encroach on any setbacks. It will be partially screened by the garage on the left side, and by a stand of pines and a stockade fence at the rear.

Mr. O'Keefe said that he and his wife had looked at 6 other properties in Wellesley, and had researched each one at the Town Hall to determine if an addition could be built. After speaking to the Building Department, and relying on information provided on a prior building application that the percentage of lot coverage was 17.5%, they determined an addition on the Midland Road property was possible, and purchased the house. When Mr. Porter did the certified plot plan, they discovered, as their builder, William Foley, had suspected, that the percentage of lot coverage of the existing dwelling exceeded what is currently allowed.

ZBA 98-33
Petition of Roxane Van Hove
6 Midland Road

Hal Phillips, 38 Dover Road, expressed support for the petition.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1998 MAY -8 A 8:04

Statement of Facts

The subject dwelling is located at 6 Midland Road, in a Single Residence District, on a 10,000 square foot lot, and has a minimum right side yard clearance of 14.7 feet and a nonconforming percentage of lot coverage of 21.87%.

The petitioners are requesting a Special Permit/Finding that the demolition of the existing second floor deck and construction of a one-story 10 foot by 11.1 foot conforming deck, which will increase the percentage of lot coverage to 22.37%, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling and lot coverage.

A plot plan dated February 18, 1998, drawn by Verne T. Porter, Jr., Registered Professional Land Surveyor; a copy of the Building Application dated 1/12/95, which stated that the percentage of lot coverage was 17.5%; Floor Plans and Elevations dated 3/10/98, drawn by CM&D Corp.; and photographs were submitted.

On April 14, 1998, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

This Authority has 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 to its right side yard setback and its percentage of lot coverage, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the demolition of the second floor deck and construction of the one-story addition, which will increase the percentage of lot coverage from 21.87% to 22.37%, shall not be substantially more detrimental to the neighborhood as the addition conforms to all required setbacks and the increase in the percentage of lot coverage is de minimus and can be allowed.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the one-story addition, subject to construction 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.

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

Kendall P. Bates

Kendall P. Bates, Acting Chairman

William E. Polletta

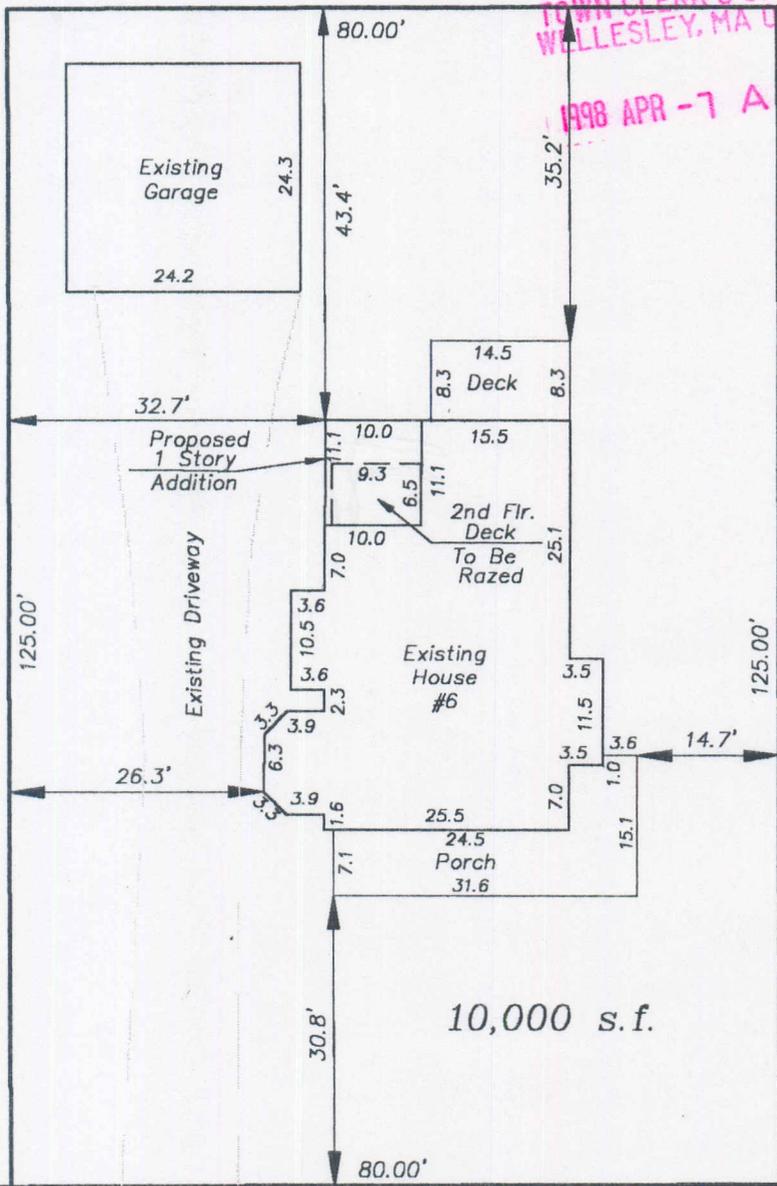
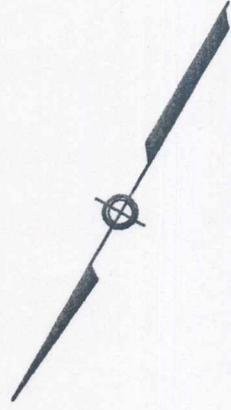
William E. Polletta

Robert A. Bastille

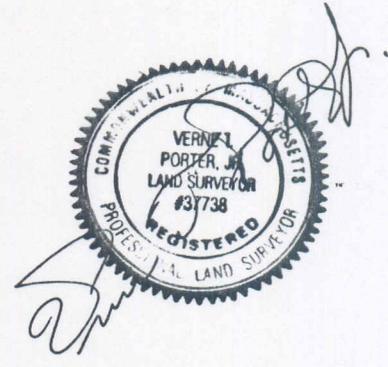
Robert A. Bastille

RECEIVED
OFFICE
TOWN CLERK'S
WELLESLEY, MA 02181
1998 MAY - 8 A 8: 04

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1998 APR -7 A 10: 07



Existing Lot Coverage 21.870%
Proposed Lot Coverage 22.37%



Midland Avenue

Plot Plan
6 Midland Avenue
Wellesley, Massachusetts

Scale: 1"=20' February 18, 1998
Verne T. Porter Jr., PLS
154 Needham St. Suite 1 Newton, MA 02164