

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD, VICE CHAIRMAN
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208ROBERT A BASTILLE
J. RANDOLPH BECKER
ROBERT W. LEVY

ZBA 2005-46
Petition of Robert Shanahan
34 Leighton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 9, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT SHANAHAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of the existing nonconforming structure, with less than required front and right side yard setbacks, demolition of the existing garage, and construction of a two-story structure with a two-car garage underneath that meets all setback requirements, on a 9,135 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 34 LEIGHTON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 23, 2005, 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 Robert Shanahan who said that he and his wife, Heather, own the property at 34 Leighton Road. He said that they are looking to demolish the existing home and build a home that meets all of the setbacks. They would like to build a more functional home. The current side yard sits on a neighbor's driveway. He said that they would be improving the conditions there by meeting all of the setbacks.

The Board asked if the only nonconformity will be the lot size. Mr. Shanahan said that lot size will be the only nonconformity.

The Board said that the plans show elevations of 31 feet on the street side and 36 feet where it drops down to the garage level. The average height was not shown on the plans.

The Board said that it was concerned about the height of the house. The plans show 9 foot ceilings on the first floor. The petitioners may be making the house taller than it needs to be. There are no other big new houses on Leighton Road.

The Board asked what the proposed ceiling height would be on the second floor. Mr. Shanahan said that it would be 8 feet. The Board asked if it is necessary to have 9 foot first floor ceilings. Mr. Shanahan said that they wanted the higher ceilings because the design is an open floor concept.

The Board asked about the dormer on the third floor. Mr. Shanahan said that it was there to give them more head room in the storage area.

ZBA 2005-46
Petition of Robert Shanahan
34 Leighton Road

The Board said that the Special Permit would allow the petitioner to construct a dwelling that conforms to the height restriction.

Statement of Facts

The subject property is located at 34 Leighton Road, on a 9,135 square foot lot, in a district in which the minimum lot size is 10,000 square feet, and has a minimum right side yard setback of 10 feet, and a minimum front yard setback of 21 feet.

The petitioner is requesting a Special Permit/Finding that demolition of the existing nonconforming structure, with less than required front and right side yard setbacks, demolition of the existing garage, and construction of a two-story structure with a two-car garage underneath that meets all setback requirements, on a 9,135 square foot lot in a 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 3/31/05, stamped by John Lawrence Noonan, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 3/24/05, drawn by Allen-Pavlidis Architects, and photographs were submitted.

On June 7, 2005 the Planning Board reviewed the petition and had no objection to granting the request.

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 finding of this Authority that demolition of the existing nonconforming structure, with less than required front and right side yard setbacks, demolition of the existing garage, and construction of a two-story structure with a two-car garage underneath that meets all setback requirements shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance nor will it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing nonconforming structure, demolition of the existing garage, and construction of a two-story structure with a two-car garage underneath.

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.

ZBA 2005-46
Petition of Robert Shanahan
34 Leighton Road

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.

Richard L. Seegel, Chairman

Robert A. Bastille

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm