

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-58

Petition of Jon and Lorreen Hollingsworth
36 Standish Circle

Petition of JON AND LORREEN HOLLINGSWORTH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that expansion of an existing second story with less than required front yard setback, at 36 STANDISH CIRCLE, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 19, 2006, the petitioners 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 Jon and Lorreen Hollingsworth. Mr. Hollingsworth said that they have been Wellesley residents for the past 5 years. Two of their three children were born while they were living at their house at 59 Standish Road. The house at 36 Standish Circle is under agreement. It is a quieter side street. They plan to do a major renovation to the property. Staying at the Fiske School is important to them. He said that they have close ties to the area.

Mr. Hollingsworth said that he found out after he put the house under agreement that the front left corner is in the setback area. He said that the Building Department told him that the Engineering Department calls it a Private Way on that side of the property, making it a corner lot. The property would be subject to two front setback requirements.

Mr. Hollingsworth said that he went to the Engineering Department. They were not sure that it is a Private Way. He said that if it is considered to be a side setback, he will only need 20 feet.

Mr. Hollingsworth said that a Variance was granted in 1952 when the house was built. Approximately 80 square feet fall in the setback area. He said that they are proposing to straighten the front roofline out. They will not change the footprint of the house in that direction at all. He said that all of the other renovations that he proposes for the property fall well within the setbacks.

The Board asked if the Private Way leads to the Town Forest. Mr. Hollingsworth said that it does. The Board said that it appears that the abutting house uses the Private Way as access to their driveway.

The Board said that the house is one of the few remaining small homes in a neighborhood of larger homes. Mr. Hollingsworth said that he will maintain the character of the neighborhood with his proposal.

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The Board said that the plan shows a height of 35 feet 2 13/16 inches to the new ridge line, which is close to the 36 foot height limit. Mr. Hollingsworth said that he was advised to have the plans drawn showing the maximum height and that they could lower it if possible. The Board said that the lot is flat. Because they propose to come so close to the limit, the petitioner should be held to the technical requirement for calculating height from average grade. The petitioner has the option of making the house lower. Mr. Hollingsworth said that the house will probably be lower.

Mr. Hollingsworth said that they would like to add a 12 foot by 12 foot garage for storage. He said that he met with the architect in the morning of the hearing. They showed the plan to the Building Inspector, who told them to bring the issue up at the hearing. There will be a little more lot coverage. It will be one story with a slab and will meet setback requirements.

The Board said that the only issue before it is the triangular setback issue on the left.

A Board member said that the current owner of the property is employed by the same firm that he works for. He said that he did not think that had any bearing on the case tonight. No one present had any objection.

The Board asked if the 23 foot dimension on the left side is for the existing house and for the proposed second story addition. Mr. Hollingsworth said that it is.

The Board confirmed that the figure on the plan of 80.2 square feet was for the second floor.

The Board said that it is a large lot.

Statement of Facts

The subject property is located at 36 Standish Circle, with a minimum front yard setback of 23 feet from the Private Way, on a 20,800 square foot lot, in a 15,000 square foot Single Residence District.

The petitioner is requesting a Special Permit/Finding that expansion of an existing second story with less than required front yard setback shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/12/06, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/12/06, drawn by MA Design, and photographs were submitted.

On June 20, 2006, the Planning Board reviewed the petition and had objected to the granting of the request.

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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 although expansion of an existing second story with less than required front yard setback is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for an 80.2 square foot second story addition subject to the condition that a detailed analysis of the height to the top of the roof be submitted along with final plans for the house demonstrating that it meets the height requirement of 36 feet above average grade.

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.

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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

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm