TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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ZBA 91-57
Petition of Charles Beck Von Peccoz
26 Oakland Circle

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 21, 1991 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 CHARLES BECK VON PECCOZ requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the extension of and structural change to his pre-existing nonconforming structure located at 26 OAKLAND CIRCLE, with less than the required front and left side setbacks, in a Single Residence District, shall not be more detrimental to the neighborhood than the existing nonconforming structure. Said change shall consist of the addition of a one-story family room approximately 16 feet by 16 feet 6 inches, which conforms to all the required setbacks, and the installation of an entranceway and a 25 square foot landing on the right side of the dwelling.

On November 8, 1991, the petitioner requested 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 Wendy and Charles Beck Von Peccoz. Mr. Beck Von Peccoz said they bought the 100 year old house about 3 months ago. The house is in need of interior remodeling, and while this is being done, they would like to add a family room at the rear. Half of the proposed addition will cover an existing uncovered concrete deck area and half will require a new foundation. The addition conforms to all setbacks, but the house is very close to the left side line and to the street, which was put in after the house was built. The house is actually built back to front with the front entrance facing the back yard.

Mrs. Beck Von Peccoz said that they are proposing to convert an existing kitchen window on the right side to an entrance with a 24 square foot landing and stairs which will cover the existing bulkhead. The bulkhead surface is 30 square feet, but the square footage of an allowed landing is only 25 square feet. A larger landing would have required a variance to exceed the allowed size as well as a variance for less than the required front setback as the landing would not have been 30 feet from the street.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 26 Oakland Circle on an 8,621 square foot Registered parcel of land. The property contains an additional parcel of 5,440 square feet. The subject dwelling has a minimum front setback of 8.8 feet and a minimum left side setback of 4.9 feet from the left rear corner.

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The petitioner is requesting a Finding that the expansion of their pre-existing nonconforming dwelling through construction of a one-story addition approximately 16 feet 6 inches by 16 feet of which 8.7 feet will be new construction and 7.3 feet will cover an existing uncovered concrete deck at the right rear side of their dwelling; and the structural change consisting of the remodeling of an existing kitchen window as an entranceway with a 24 square foot landing and stairs on the right side of the dwelling, shall not be more detrimental to the neighborhood than the existing nonconforming structure. Said addition is in compliance with all zoning setbacks, as are the landing and stairs.

A Plot Plan dated November 7, 1991, drawn by John H. Hurney, Registered Land Surveyor; construction drawings and elevations dated October 20, 1991, drawn by New England Design; and photographs were submitted.

On November 13, 1991, the Planning Board reviewed the petition and voted to offer no opposition to the granting of the Finding.

Decision

This Authority has made a careful study of the materials presented. The subject dwelling is a pre-existing nonconforming structure as described in the foregoing Statement of Facts.

This Authority finds that the expansion and structural changes to the pre-existing nonconforming dwelling consisting of an addition of a conforming one-story family room, conversion of an existing kitchen window to an entranceway with an allowed 24 square foot landing and stairs shall not be more detrimental to the neighborhood than the existing nonconforming structure. The one-story addition, the entrance, landing and stairs all conform to zoning setbacks. The proposed expansion and structural changes will not reduce the value of property in the neighborhood, nor will they be injurious or offensive to the neighborhood.

Therefore, a Special Permit is hereby granted pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for the requested expansion and structural changes subject to construction in accordance with the plot plan and construction drawings as noted in the foregoing Statement of Facts; and subject to the issuance of a building permit by the Inspector of Buildings for said construction upon his receipt and approval of a building application and finished 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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert R. Cunningham

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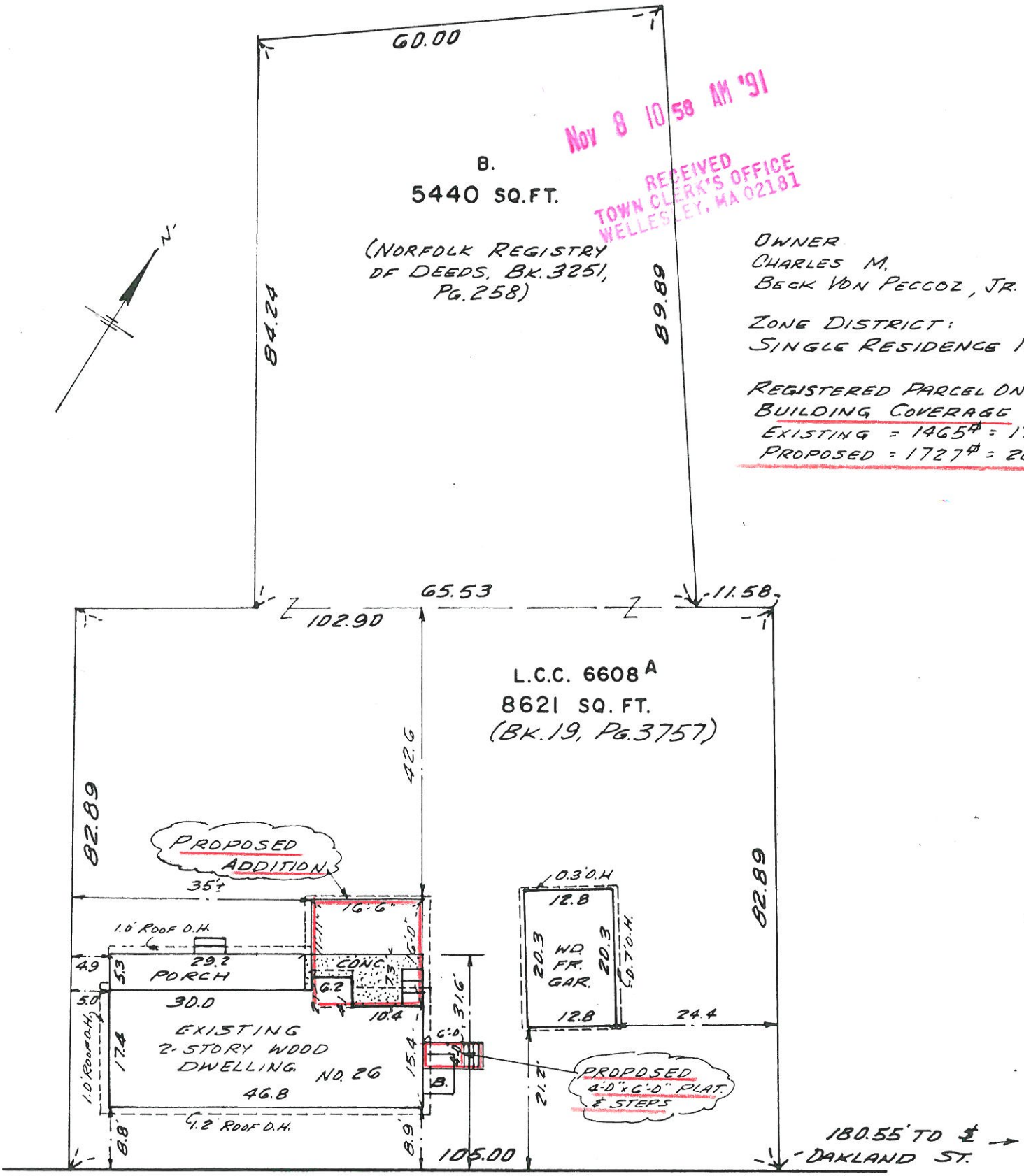
cc: Planning Board
Inspector of Buildings
edg



OAKLAND CIRCLE

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PLOT PLAN
OF LAND IN
WELLESLEY, MASS.

SCALE 1 IN. = 20 FT. NOV. 7, 1991

BARNES ENGINEERING COMPANY, INC.
411 LEXINGTON ST. AUBURNDALE, MASS.

COMMONWEALTH OF MASSACHUSETTS
JOHN P. HURLEY
REGISTERED

John P. Hurley #8743