

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2018-49

Petition of Bethany & John Colavincenzo  
40 Cleveland Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 12, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Bethany & John Colavincenzo requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing one-story structure and construction of a new two-story structure with less than required side yard setbacks, on an existing nonconforming structure on a corner lot with less than required side yard setbacks, at 40 Cleveland Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 7, 2018, 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 were David Sharff, Architect and John Colavincenzo, the Petitioner.

Mr. Sharff said that request is to build a small addition at the side of the existing house. He said that they will rebuild an existing side porch and add a second floor. He said that they are seeking relief for the rear yard setback. A Board member said that relief is for a side yard setback because this is a corner lot.

A Board member said that the Board always likes to see additions and modifications that comply as much as possible. He questioned why the addition was not moved one foot towards Cleveland Road. He said that there appears to be enough room to accomplish the same size as proposed without having to encroach into the side yard setback. He said that would improve the situation. Mr. Sharff said that they had considered that option but pulling the whole addition forward a foot would put it on the same plane as the front of the house. He said that the first floor footprint is already nonconforming. The Chairman said that there is an existing nonconforming side yard setback of 9.4 feet at the back of the house. Mr. Sharff said that the entire back of the house sits within the setback.

The Chairman said that existing lot coverage is 1,845 square feet and proposed lot coverage will be 1,889 square feet.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 40 Cleveland Road, on a corner lot in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum side yard setback of 9.4 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing one-story structure and construction of a new two-story structure with less than required side yard setbacks, on an existing nonconforming structure on a corner lot with less than required side yard setbacks, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 5/29/18, stamped by Paul J. DeSimone, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/31/18, and rendering of View from Martin & Cleveland, prepared by David Sharff, Architect, P.C., and photographs were submitted.

On June 27, 2018, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

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 opinion of this Authority that demolition of an existing one-story structure and construction of a new two-story structure with less than required side yard setbacks, on an existing nonconforming structure on a corner lot with less than required side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing one-story structure and construction of a new two-story structure with less than required side yard setbacks, on an existing nonconforming structure on a corner lot with less than required side yard setbacks, in a 10,000 square foot Single Residence District and a Water Supply Protection District, 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 constructions plans.

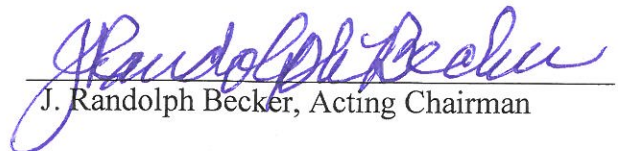
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

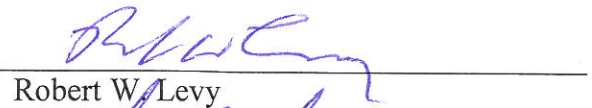
ZBA 2018-49

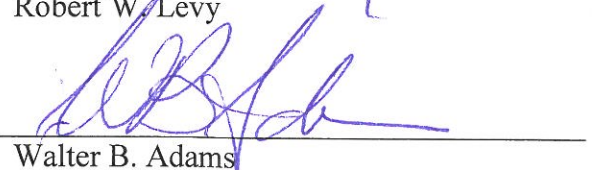
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
J. Randolph Becker, Acting Chairman

  
Robert W. Levy

  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

LOT CREATED APRIL 26, 1938  
SECTION XIX. YARD REGULATIONS TABLE 1

SECTION XIX. YARD REGULATIONS TABLE 1

MAX. PROPOSED LOT COVERAGE  
20% = 2,005 SQ. FT.  
THE GREATER = 2500 SF.

PLAN OF LAND  
IN  
WELLESLEY, MA

DATE: MAY 29, 2018 SCALE 1" = 20'

DMH ©

LOT 56

FENCE

SHED

LOT 55

HSE #40  
2 STORY

## WALK

BIT.  
DRIVE

LOT 10 & 10A  
10,026 S.F. ±  
PARCEL 170-129

# CLEVELAND

# ROAD

## SECTION XIX. YARD REGULATIONS

### B. REQUIREMENTS

REAR YARD SETBACK IN THE 10,000 OR 15,000 SQUARE FOOT AREA REGULATION DISTRICTS WHEN A REAR YARD ABUTS THE SIDE YARD OF THE NEXT LOT THE MIN. REAR YARD SHALL BE NOT LESS THAN THE MIN. SIDE YARD DEPTH (20 FT.)