

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2018-51
Petition of Katherine Vig
24 Shadow Lane

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 Katherine Vig requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a one-story addition with less than required setbacks, on an existing nonconforming structure on a corner lot with less than required front yard setbacks to Bay View Road and less than required side yard setbacks, at 24 Shadow Lane, 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 Tom Timco, Architect and Katherine Vig, the Petitioner.

Mr. Timco said that the request is for relief for a one story bedroom and bath off of the left side of the house. He said that Ms. Vig is in her 70's and recently had a fall that limited her mobility. He said that she currently has a bedroom on the second floor but is looking to move down to the first floor because she wants to stay in the house.

Mr. Timco said that the lot has three fronts and a side yard setback. He said that the house was constructed in the 1940's when a 10 foot rear yard setback was in effect. He said that there are three existing nonconformities. He said that the garage on the right had been free-standing but was attached by special permit in 1991. He said that on the left side, the existing dining room is only 12.5 feet from the property line. He said that a small bedroom was added above that in 2007 by special permit.

Mr. Timco said that the proposal is to continue the rear line towards Shadow Lane on the left side, pulling it back from the existing line to maintain more than 12.5 feet from the property line. He said that that will allow for a 14.5 foot by 13 foot bedroom with an attached bath and a small piece at the front where they will increase the glazing on a bay window to compensate for losing one of the other windows in the living room. He said that the new structure will not trigger the 500 Foot Rule. He said that it was difficult to meet all of the 30 foot setbacks. He said that there was nowhere else on the property to build. He said that anything they did would trigger a nonconformity. He said that they tried to create a low profile single story addition that is similar to what is in the neighborhood where there is a mix of houses of this vintage and a number of new mcmansions. He said that the neighborhood is changing somewhat but they feel that this is in keeping with the spirit of existing more traditional construction in the neighborhood. A Board member said that it is a tastefully done one-story addition.

Mr. Timco said that Ms. Vig has spoken to most of the neighbors and they are generally supportive. Ms. Vig said that the closest neighbor is Jennifer Golden and she was very enthusiastic. She said that she spoke with the people across the road and they were also very encouraging.

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 24 Shadow Lane, on a corner lot in a 10,000 square foot Single Residence District and a Water Supply Protection District, with a minimum front yard setback of 27.4 feet to Bay View Road and a minimum side yard setback of 12.5 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 construction of a one-story addition with less than required setbacks, on an existing nonconforming structure on a corner lot with less than required front yard setbacks to Bay View Road and 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 6/4/18, stamped by Michael P. Clancy, Professional Land Surveyor, Existing Floor Plans, dated 1/15/18, Existing Elevation Drawings, dated 2/3/18, Proposed Floor Plans, dated 2/2/18, Proposed Elevation Drawings, dated 3/19/18 & 3/16/18, and Supplemental Information, prepared by Copper Beech Design, 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 although construction of a one-story addition with less than required setbacks, on an existing nonconforming structure on a corner lot with less than required front yard setbacks to Bay View Road and less than required side yard setbacks, in a 10,000 square foot Single Residence District and a Water Supply Protection District 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 construction of a one-story addition with less than required setbacks, on an existing nonconforming structure on a corner lot with less than required front yard setbacks to Bay View Road and 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.

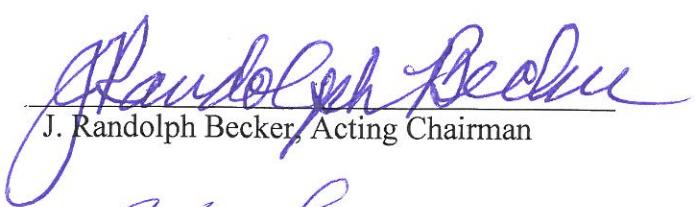
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

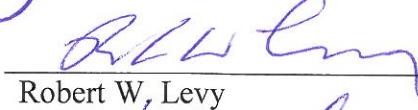
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

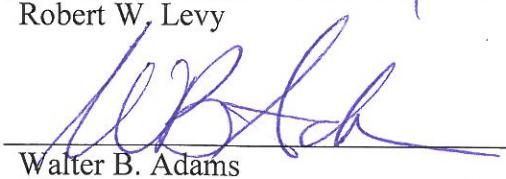
ZBA 2018-51
Petition of Katherine Vig
24 Shadow Lane

Planning Board
Town of Lenox
Massachusetts
100 Main Street
P.O. Box 200
Lenox, MA 01240
(413) 626-2120
(413) 626-2121

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

