



## ZONING BOARD OF APPEALS

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

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ZBA 2018-56  
Petition of Derek & Susan Weycker  
14 Avon Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 2, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Derek & Susan Weycker requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that extension of an existing nonconforming front porch with less than required front yard setbacks, construction of a one-story addition, construction of a two story-addition and enclosure of an existing side yard porch, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on an 8,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 14 Avon Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 28, 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 Timothy Burke, Architect, Derek and Susan Weycker, the Petitioner.

Mr. Burke said that the Weyckers have lived in their house for 14 years, love the neighborhood and are looking to stay. He said that they asked him to help improve a kitchen that is not up to par.

Mr. Burke said that the existing house is nonconforming with respect to the front yard setback, which is fairly common along Avon Road. He said that the plan is to expand the kitchen where there is a side porch. He said that they would like to wrap the porch around the corner. He said that the porch is currently 11.5 feet from Avon Road and they will not extend it further than that. He said that wrapping the porch on the side will make it symmetrical on the main of the house, and will improve the curb appeal and what the neighbors see from the street. He said that the Weyckers like to use the porch and it is a great way to engage with their neighbors as they walk down the street.

A Board member said that in addition to the nonconforming front yard setback, it is also an undersized lot and the left side yard setback is less than required.

A Board member said that the existing porch is 6 feet 6 inches and the width of the addition along the side of the house will be less than 6 feet. Mr. Burke said that they will match the existing porch footprint.

A Board member said that the wrap around portion of the front porch will come out as far as the existing nonconforming front of the porch but will comply on the right side.

A Board member asked if a TLAG Affidavit had been submitted. Mr. Burke said that he did not have TLAG calculations with him. The Board member said that the property is located in a 10,000 square foot Single Residence District. He asked about the size of the addition. Mr. Burke said that they will add 150 square feet on the first floor and 120 square feet on the second floor. The Board discussed inserting a condition that the post-construction TLAG be less than 3,600 square feet. The Board said that the Assessor's records show a Total Living Area (TLA) of 3,158 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 14 Avon Road, on an 8,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, with a minimum front yard setback of 11.5 feet, and a minimum left side yard setback of 19.8 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 extension of an existing nonconforming front porch with less than required front yard setbacks, construction of a one-story addition, construction of a two story-addition and enclosure of an existing side yard porch, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on an 8,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 6/25/18, stamped by Michael Paul Antonino, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/22/18, revised 7/26/18, prepared by Timothy Burke Architecture, and photographs were submitted.

On July 18, 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 extension of an existing nonconforming front porch with less than required front yard setbacks, construction of a one-story addition, construction of a two story-addition and enclosure of an existing side yard porch, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on an 8,000 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in 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 extension of an existing nonconforming front porch with less than required front yard setbacks, construction of a one-story addition, construction of a two story-addition and enclosure of an existing side yard porch, on an existing nonconforming structure with less than required front yard and left side yard setbacks, subject to the following condition:

- A TLAG Affidavit shall be submitted that shows a post-construction TLAG calculation of less than 3,600 square feet.

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.

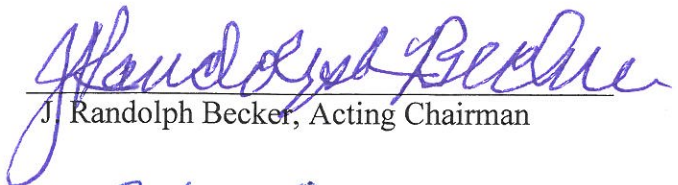
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TOWN OF AVON  
BUILDING DEPT.  
MILFORD MA 01904

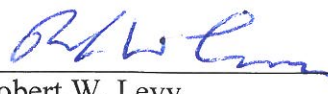
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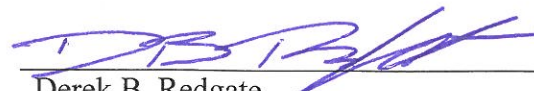
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TOWN OF AVON  
CLERK'S OFFICE  
2018 AUG 16 P 2 16

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

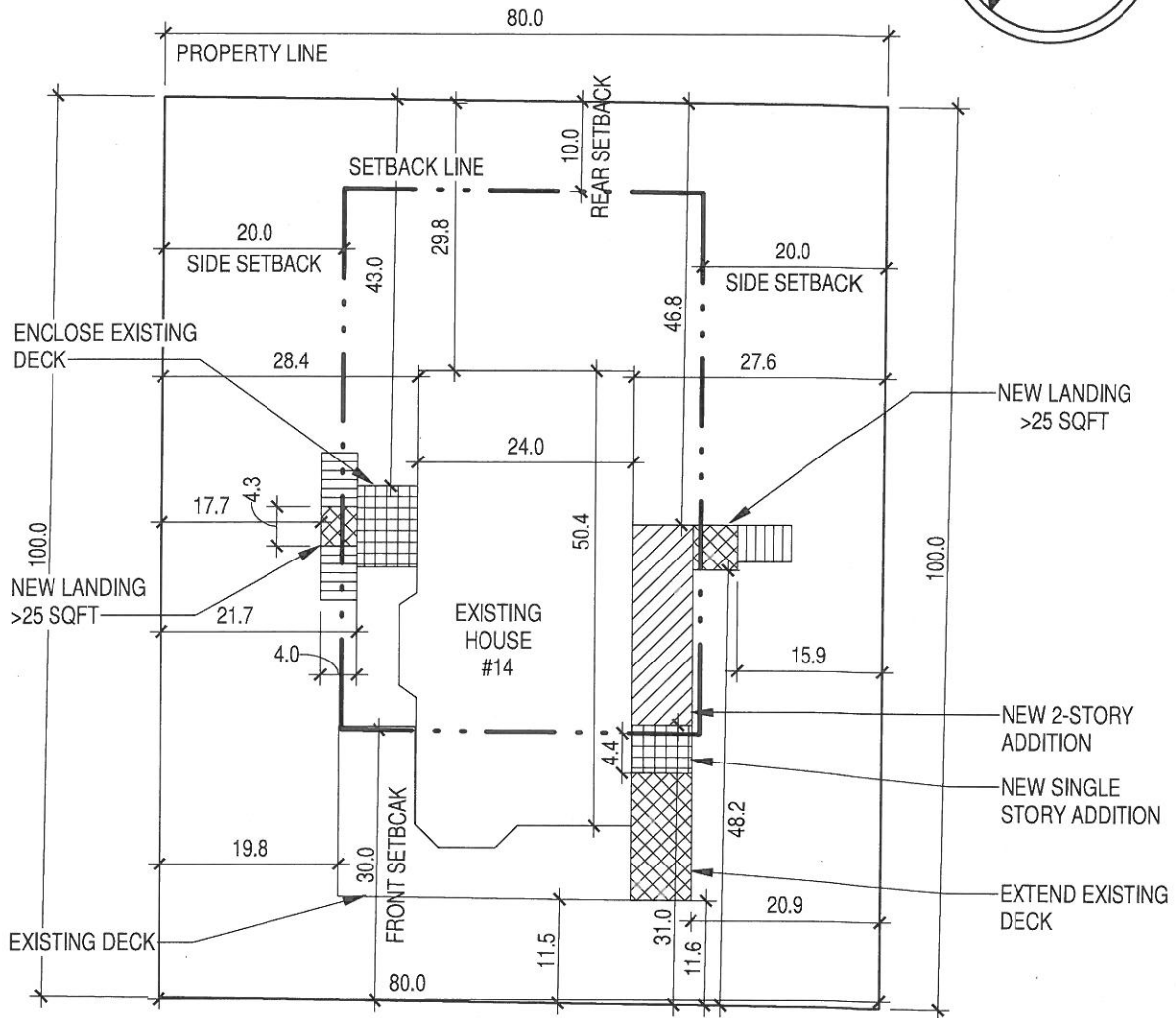
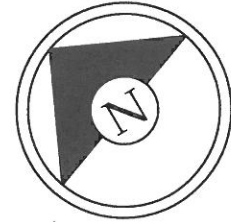
  
Robert W. Levy

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

**MICHAEL P. ANTONINO**  
REGISTERED LAND SURVEYOR

31 LEDGEBROOK AVE.  
STOUGHTON, MASSACHUSETTS 02072  
PHONE / FAX: 781.344.4550



AVON RD

1

**PLOT PLAN - PROPOSED**

1" = 20'-0"

ADDRESS: 14 AVON RD, WELLESLEY MA 02482  
ZONING DISTRICT: SR-10  
LOT SIZE: 8000 SQFT  
PREVIOUS LOT COVERAGE: 21.9% / 1749 SQFT  
PROPOSED LOT COVERAGE: 25.0% / 2003 SQFT

