



ZONING BOARD OF APPEALS

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

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ZBA 2018-53
Petition of Steven Wells
24 Cavanagh Road

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 Steven Wells 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 two-story addition with less than required left side yard setbacks, construction of a one-story addition and a two-story addition with less than required right side yard setbacks, expansion of and construction of a second story addition to an existing nonconforming garage with less than required right side yard setbacks, and construction of a new front porch, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on an 8,450 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 24 Cavanagh Road, 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. The Board held public hearings on July 12, 2018, August 2, 2018 and September 13, 2018.

Presenting the case at the hearing were Robert Williamson, Architect, Steven Wells, the Petitioner, and Erik Rockwood, Builder.

Mr. Williamson said that the request is for a special permit/finding to build an addition and renovate an existing nonconforming house on a nonconforming lot. He said that the lot is under 10,000 square feet, which has created architectural and landscaping challenges. He said that the existing house is within both side yard setbacks.

Mr. Williamson said that a family room addition was built at the back of the house in the 1990's. He said that the proposed work is to create a second story master bedroom above the existing footprint within the side yard setback. He said that a small one-story bump out on the ground floor at the back that is in the setback area will be extended. He said that the proposal includes a small two-story addition for a mudroom on the ground floor and part of a master suite on the second floor, as well as replacement of the existing one-story garage with a two-car, two-story garage, using the existing nonconforming footprint in the side yard setback and the conforming rear yard setback. He said that they are also requesting relief for two ground mounted air conditioning units in the side yard setback along the family room. A Board member said that the location of the ac condensers will require a variance. He said that the Petitioner can either find a compliant location for the condensers or come back with a request for a variance.

The Chairman said that there is a note on the plans for future plumbing upstairs in the garage. Mr. Williamson said that although there are no plans to build that out immediately, the plan is to have a loft/studio space with a bathroom. A Board member said that because the bylaw prohibits two living structures on one lot, it typically inserts a condition that there be no plumbing in outbuildings such as this because it does not want to have the space made habitable.

A Board member said that the proposed garage is nicely designed but is rather large for the backyard. He said that the Petitioner chose to keep the nonconforming side wall rather than moving it further away from the property line. The Chairman said that the height is too high. He said that the Petitioner designed a space that could have plumbing and could be habitable. Mr. Wells said that they tried to match the roofline of the house. The Board said that the stairs on the outside bring the structure closer to the rear property line and isolate the upstairs from the downstairs, which implies living space upstairs. Mr. Wells said that they wanted to have storage space in the garage.

Mr. Williamson said that TLAG will be 3,598 square feet. He said that the rules for calculating TLAG changed from the time they came up with the schematics last year and when the proposed plans were submitted. The Board said that it typically wants to see a TLAG Affidavit that is signed by a licensed professional.

August 2, 2018

Mr. Williamson said that they lowered the ridgeline on the garage by three feet so that the ridge aligns with the soffit and gutter of the main body of the house. He said that the owner would like to have a utility sink on the first floor at the back right hand corner of the garage.

Mr. Williamson said that TLAG has been reduced to 3,789 square feet, including the second floor of the garage. He said that 380 to 400 square feet of the second floor of the garage is attributable to TLAG. He said that they reduced the ceiling height by six inches.

A Board member commented on the size of the dormer and stairs on the garage being so close to the lot line. He said that the Applicant is trying to get too much with the proposed design. He questioned the need for a sink in the garage since there are three sources of water within a short walk to the house. He said that the Board is not prohibiting an exterior water source.

Mr. Williamson said that the air conditioning condensers will be located in a well under the stairs in the rear yard in a conforming location, as shown on Plan A1.1 and on all of the building elevations.

A Board member said that the revised plans do not change his concerns about the garage. He said that the Board's concern is that it is a large garage that is taking advantage of what was a pre-existing nonconforming garage. He said that it was not moved further away from the neighbor's property and will be too much on the site with respect to the height, the dormers, the location of the stair and the size of the second floor. He said that they will be enlarging the house substantially. The Chairman said lowering the ridge was a good step but, given the proximity to the property lines, the exterior stair and the dormers do not respect the shallowness of that distance.

September 13, 2018

Mr. Himmelberger said that the Applicant has repositioned the garage to increase the right side yard setback from 9.85 feet to 11.42 feet, reoriented the roof so that the gable now faces the street, and eliminated exterior stairs to the rear of the garage. He said that one of the two dormers was eliminated. He said that the only side with a dormer is the interior left side so that when you look down the driveway you will see the gable but not the dormer. He said that the ac condensers will be on a pad immediately to the rear of the existing one story structure that is proposed to be two-story structure as part of this project. He said that the Applicant believes that the proposed changes to the house and the garage are significant, address the concerns of the Board and shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Mr. Williamson said that they reduced the interior height on the second floor of the garage to 7.5 to 8 feet for a small section that is 2 to 3 feet wide. He said that it will slope down to a short knee wall. He said that TLAG on the second floor has been reduced from 400 to 244 square feet. He said that total TLAG for the project will be 3,723 square feet. He said that they increased the footprint of the garage to accommodate the stair.

The Board said that the plot plan does not show the dimension to the ac condensers. Mr. Himmelberger said that the Applicant is willing to accept a condition that a revised plot plan be submitted that shows that the ac condensers will be located outside of the setback area.

Statement of Facts

The subject property is located at 24 Cavanagh Road, on an 8,450 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 left side yard setback of 14.17 feet and a minimum right side yard setback of 13.17 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 two-story addition with less than required left side yard setbacks, construction of a one-story addition and a two-story addition with less than required right side yard setbacks, expansion of and construction of a second story addition to an existing nonconforming garage with less than required right side yard setbacks, and construction of a new front porch, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on an 8,450 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 4/27/18, revised 6/1/18 & 8/29/18, stamped by Elliott J. Paturzo, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/1/18, revised 7/26/18 and 9/4/18, and Letter to Zoning Board of Appeals, dated 7/26/18, prepared by Robert Williamson, Williamson Building Works, LLC, Letter to Zoning Board of Appeals, dated 9/5/18, from David Himmelberger, and photographs were submitted.

On June 27, 2018, the Planning Board reviewed the petition and recommended that a Special Permit be approved, with changes to the detached garage.

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 two-story addition with less than required left side yard setbacks, construction of a one-story addition and a two-story addition with less than required right side yard setbacks, expansion of and construction of a second story addition to an existing nonconforming garage with less than required right side yard setbacks, and construction of a new front porch, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, on an 8,450 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 construction of a two-story addition with less than required left side yard setbacks, construction of a one-story addition and a two-story addition with less than required right side yard setbacks, expansion of and construction of a second story addition to an existing nonconforming garage with less than required right side yard setbacks, and construction of a new front porch, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, subject to the following conditions:

1. A revised plot plan shall be submitted that indicates that the setback of the ac condensers shall be at least 20 feet from the side property line.
2. There shall be no water service inside the garage.
3. A signed TLAG Affidavit shall be submitted that indicates that the TLAG does not exceed 3,725 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.

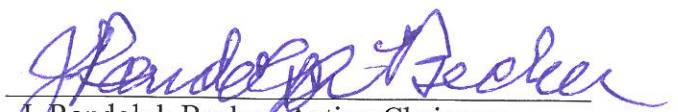
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.


RECEIVED
TOWN CLERK'S OFFICE
WELLINGTON, MA 02482
2018 SEP 27 P 12:24


ZBA 2018-53
Petition of Steven Wells
24 Cavanagh Road

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WELL/CLERK/MA 02482
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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
lrn

CERTIFIED PLOT PLAN
IN
WELLESLEY, MASS

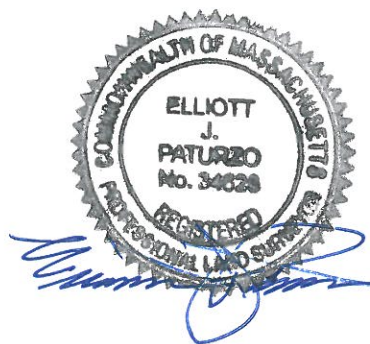
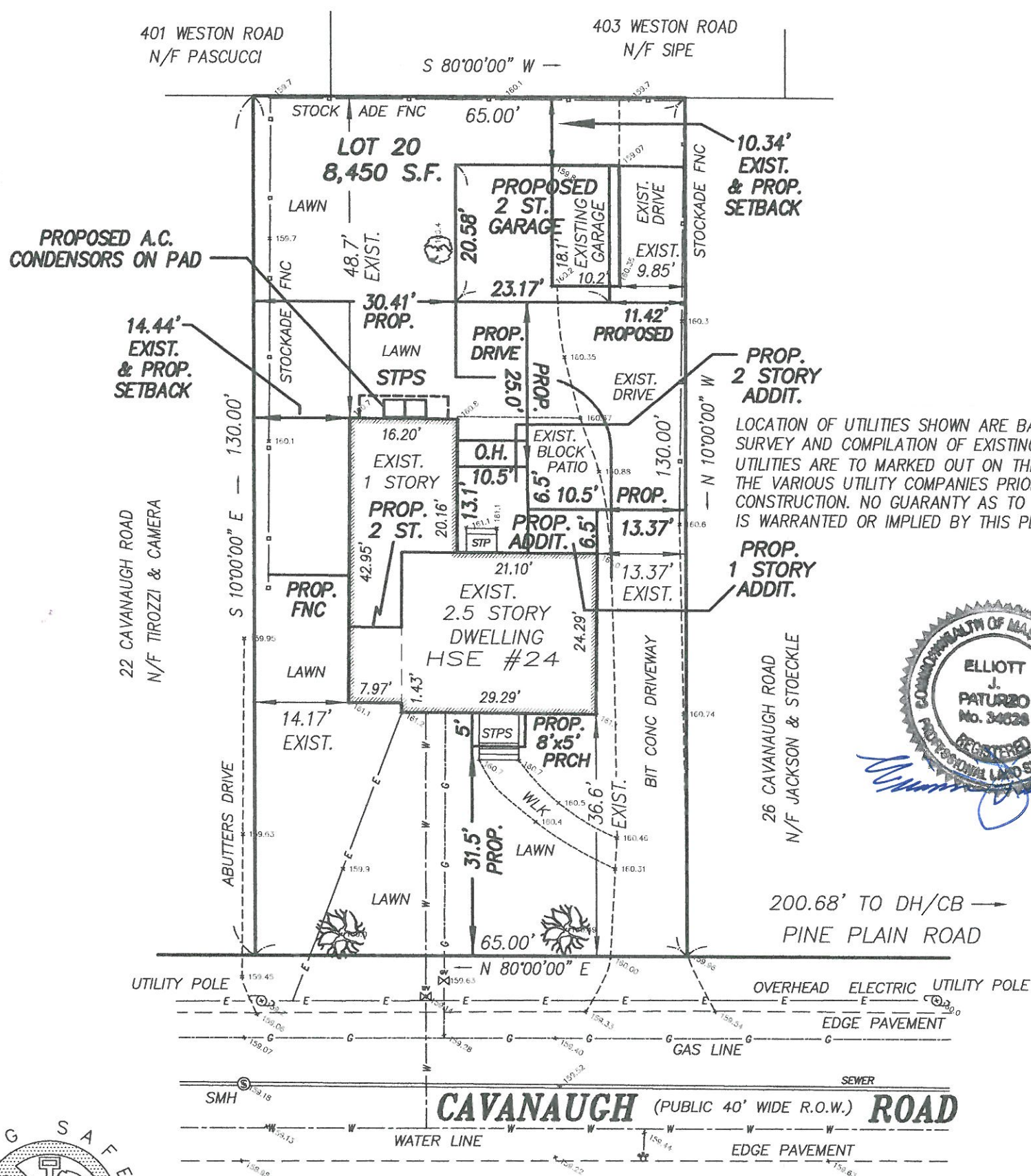
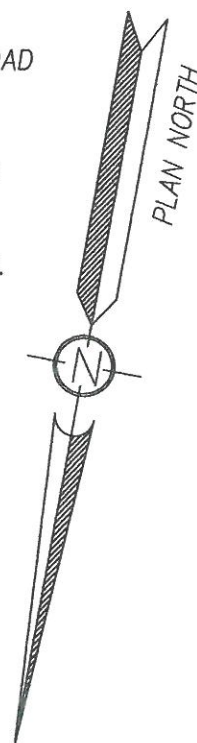
#24 CAVANAUGH ROAD
ASSESSORS MAP 180 / PARCEL 26

DEED REFERENCE: BOOK 31496 / PAGE 212
 PLAN REFERENCE: BOOK 1806 / PAGE 316
 BOOK 1764 / PAGE 264
 BOOK 2105 / PAGE 477

ZONE DISTRICT: SINGLE RESIDENCE 10
MINIMUM LOT AREA = 10,000 S.F.
MINIMUM FRONTAGE = 60 FEET
MINIMUM FRONT YARD WIDTH = 60 FEET
MINIMUM FRONT YARD SETBACK = 30 FEET
MINIMUM SIDE YARD SETBACK = 20 FEET
MINIMUM REAR YARD SETBACK = 10 FEET

THE INTENT OF THIS PLAN IS TO SHOW EXISTING & PROPOSED
STRUCTURES AND THEIR DIMENSIONAL SETBACKS FOR ZONING
PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER
PURPOSE. NOT TO BE CONSIDERED AN ENGINEERED SITE PLAN.

ELEVATIONS SHOWN BASED ON USGS NAD83 DATUM
PROPOSED GARAGE AND DRIVEWAY LAYOUT DESIGNED BY ARCHITECT.



AUGUST 29, 2018 - REMOVE STPS FROM PROPOSED GARAGE

| | |
|-------------|-----------------|
| DATE: | APRIL 27, 2018 |
| SCALE: | 1"=20' |
| CALC. BY: | JAS |
| DRAWN BY: | JAS |
| CHECKED BY: | EJP |
| REVISIONS: | AUGUST 29, 2018 |

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