



## ZONING BOARD OF APPEALS

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

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ZBA 2017-15

Petition of Stephen & Laurel Lyle  
156 Walnut Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 2, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Stephen & Laurel Lyle 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 a walk-out basement with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, at 156 Walnut Street, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 24, 2017, 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 was David Whitney, Architect, representing Stephen and Laurel Lyle, the Petitioner. Also present was Stephen Lyle.

Mr. Whitney said that the proposal is for an addition at the back of an existing nonconforming house that does not meet front or side yard setbacks. He said that the proposed addition will meet all Zoning requirements except for the side yard setback. He said that they tried to be as respectful as possible. He said that it will not come as close as the existing house. He said that it is stepped back somewhat. He said that they will not be doing any work at the front.

A Board member said that the property has two front yards on Walnut Street and Walnut Place. He said that the setback to the east is also nonconforming. He said that it looks like only the rear yard setback is conforming. Mr. Whitney said that is where the addition will be.

The Chairman said that this is one of the oddest lots that he has seen in town. A Board member said that it is almost a reverse pork chop.

A Board member said that there is a ranch style house that is much lower than this house. He asked about the driveway. Mr. Whitney said that it is a right of way. The Chairman said that if it is a legal right of way, it should be shown on the survey.

A Board member said that it looks like this property holds the record for the number of permits. Mr. Lyle said that those permits were granted before they moved in. He said the permits were from a time when the house was split into two units. He said that the permits for a two-family are long in the past.

The Chairman said that there is a reasonably extreme slope to the lot. He said that the addition will be at the rear of the house and will be one story lower than the current gable. He said that looking at the house from the rear, the addition will not visually increase the scale of the house. He asked if a Total Living Area plus Garage (TLAG) calculation was done. A Board member said that it is exempt from Large House Review (LHR). The Chairman said that the Planning Board expressed concern that the square footage will be close to the TLAG threshold. He said that they suggested that the petition be deferred until TLAG calculations are submitted.

Mr. Whitney said that they will be adding 638 square feet of finished space. He said that the existing living space is 2,815 square feet. He said that the total square footage of living space will be 3,453 square feet, including the basement and the attic but not the garage. He said that the TLAG threshold for LHR in a 10,000 square foot district is 3,600 square feet. The Board discussed inserting a condition that approval would be subject to submittal of a TLAG Affidavit that shows that the square footage is less than 3,600 square feet. The Board said that the right of way must also be shown on the survey.

The Chairman said that the existing nonconforming structure has less than required front yard, left and right side yard setbacks. The Board made a finding that the proposed construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

#### Statement of Facts

The subject property is located at 156 Walnut Street, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum front yard setback of 6.8 feet and a minimum right side yard setback of 5.3 feet. The existing nonconforming detached garage has a minimum front yard setback of 16.1 feet and a minimum left side yard setback of 6.7 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 a walk-out basement with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plan dated 12/21/16, stamped by Terrence M. Ryan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, prepared by David Whitney, Architect, and photographs were submitted.

On March 1, 2017, the Planning Board reviewed the petition and recommended that the approval be deferred.

#### 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 a walk-out basement with less than required right side yard setbacks on an existing nonconforming structure with less than required front yard and right side yard setbacks 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 a walk-out basement with less than required right side yard setbacks, subject to the following conditions:

1. A revised plot plan shall be submitted that shows the driveway.
2. A TLAG Affidavit that concludes that the TLAG is less than 3,600 square feet shall be submitted.

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 CLERK'S OFFICE  
WELLESLEY MA 02482  
2017 MAR 16 P 3:23

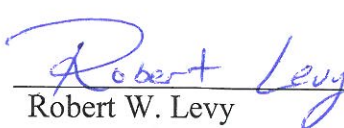
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1 MAR 16 P 3:23

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.

  
David G. Sheffield

 (signed by Victor Pank)  
Robert W. Levy (with authorization by Robert Levy)

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

PROPOSED PLOT PLAN  
156 WALNUT STREET  
WELLESLEY, MASS.

DATE: APRIL 10, 2017

SCALE: 1" = 20'

PREPARED FOR:

STEPHEN & LAUREL LYLE  
156 WALNUT STREET  
WELLESLEY, MASS. 02481

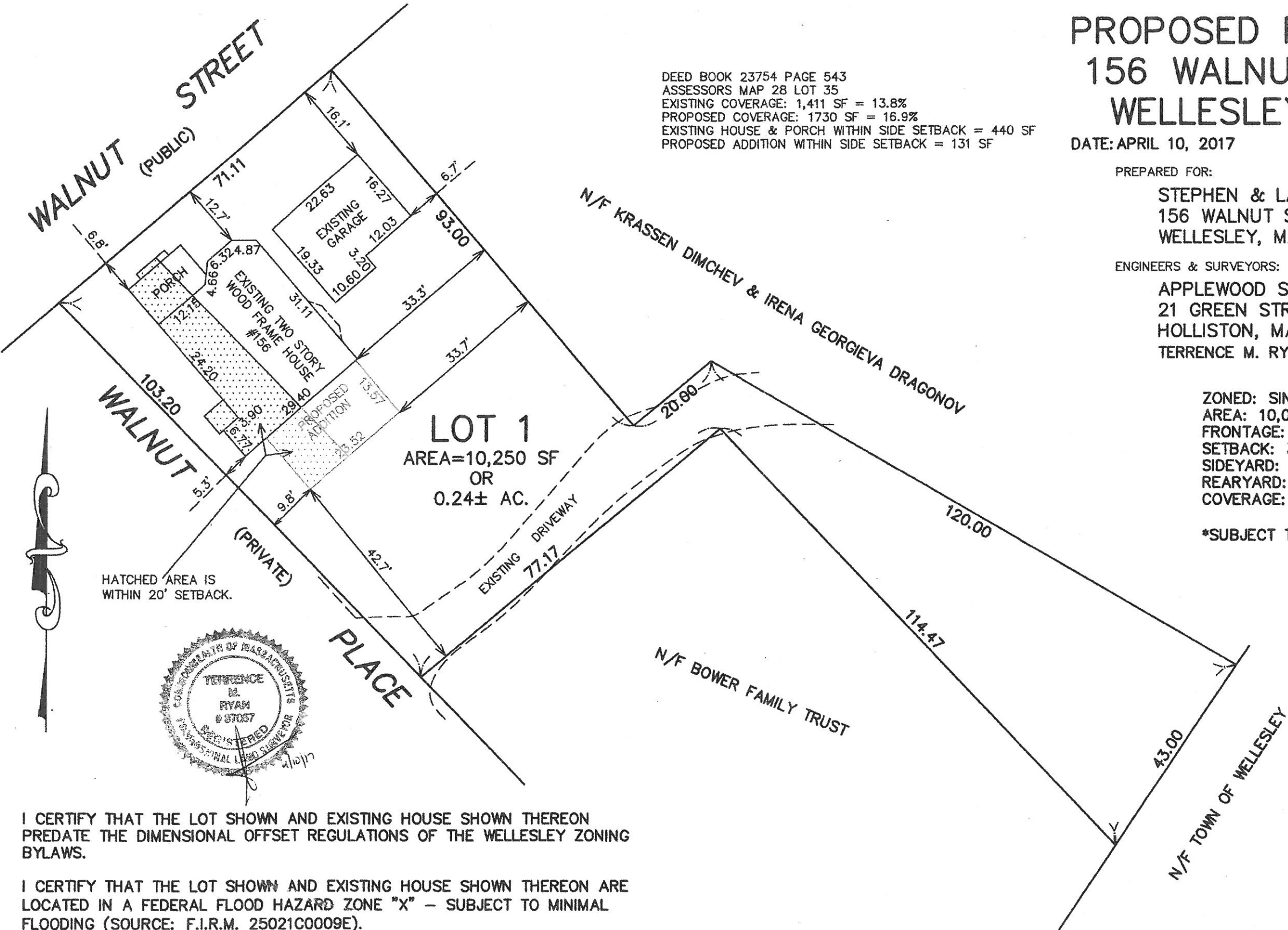
ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY LLC  
21 GREEN STREET  
HOLLISTON, MASS. 01746  
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.  
AREA: 10,000 SF  
FRONTAGE: 60 FT  
SETBACK: 30 FT\*  
SIDEYARD: 20 FT  
REARYARD: 10 FT  
COVERAGE: 2,500 SF

\*SUBJECT TO 500' RULE

DEED BOOK 23754 PAGE 543  
ASSESSORS MAP 28 LOT 35  
EXISTING COVERAGE: 1,411 SF = 13.8%  
PROPOSED COVERAGE: 1730 SF = 16.9%  
EXISTING HOUSE & PORCH WITHIN SIDE SETBACK = 440 SF  
PROPOSED ADDITION WITHIN SIDE SETBACK = 131 SF



HATCHED AREA IS  
WITHIN 20' SETBACK.



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON  
PREDATE THE DIMENSIONAL OFFSET REGULATIONS OF THE WELLESLEY ZONING  
BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE  
LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL  
FLOODING (SOURCE: F.I.R.M. 25021C0009E).



# PROPOSED PLOT PLAN 156 WALNUT STREET WELLESLEY, MASS.

DATE: DECEMBER 21, 2016 SCALE: 1" = 20'

PREPARED FOR:

STEPHEN & LAUREL LYLE  
156 WALNUT STREET  
WELLESLEY, MASS. 02481

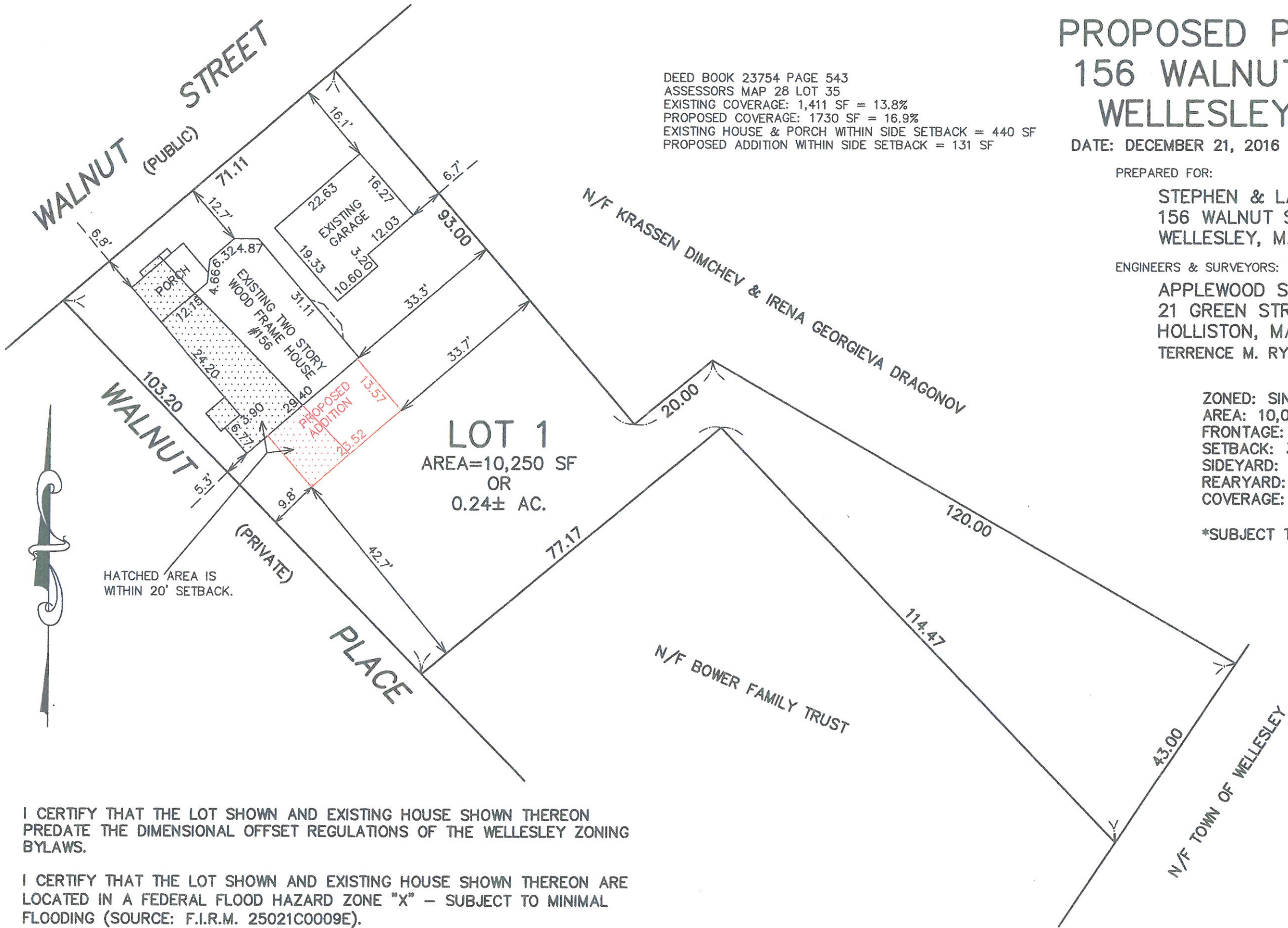
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