



## ZONING BOARD OF APPEALS

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

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ZBA 2017-41  
Petition of Benjamin Percia  
36 Cleveland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 4, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Benjamin Percia 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 nonconforming garage with less than required side yard setbacks and construction of a two-story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a corner lot, at 36 Cleveland Road, 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 April 3, 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 were David Himmelberger Esq., Benjamin Percia, the Petitioner, and Mark Schryver, the Architect.

Mr. Himmelberger said that the request is for a special permit for a nonconforming structure with a front yard setback of 29.8 feet and a side yard setback of 9.5 feet, on a corner lot that has two front yard and two side yard setbacks. He said that the part of the house that extends into the side yard setback will be removed and the new setback will be 14.1 feet. He said that the existing main body of the house currently sits at 13.6 feet. He said that lot coverage will go up modestly from 1,083 square feet to 1,557 square feet. He said that the height of the existing house is 25 feet at the peak. He said that the new addition will be stepped down a couple of feet from that. He said that Total Living Area plus Garage (TLAG), when completed, will be 2,484 square feet. He said that it will still be a modest home for the neighborhood. He said that 40 Cleveland Road, which is across Martin Road, has a total living area of 2,578 square feet. He said that the architect has done a very good job in breaking up the façades. He said that the gable over the garage picks up the other gables and three-dimensional insets help to break up any massing. He said that the Planning Board has recommended favorable approval. He said that the request is that this Board grant approval.

Mr. Himmelberger said that somewhat compromising the lot is a ten foot easement that precluded any side entry garage on the left side of the house. He said that it is a drain easement that runs to the town.

The Board asked about any runoff from the addition. Mr. Himmelberger said that three sides of the addition will run to the front and back corner of the left side and the drains will then drain into the side yard across the easement.

Mr. Himmelberger said that Mr. Percia spoke with his neighbors, including the Shaws, who lived directly behind this property. He said that everyone has been supportive.

Mr. Himmelberger said that it is a cedar shake shingle home and the addition will be in complementary style to that.

#### Statement of Facts

The subject property is located at 36 Cleveland Road, on a corner lot, in a Water Supply Protection District, with a minimum front yard setback of 29.8 feet and a minimum side yard setback of 9.5 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 demolition of an existing nonconforming garage with less than required side yard setbacks and construction of a two-story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a corner lot, at 36 Cleveland Road, 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.

A Plot Plan, dated 3/13/17, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 3/11/17, prepared by Mark Schryver, Architect, and photographs were submitted.

On May 2, 2017, the Planning Board reviewed the petition and recommended that the special permit be granted.

#### 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 demolition of an existing nonconforming garage with less than required side yard setbacks and construction of a two-story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard and side yard setbacks, on a corner lot, 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 demolition of an existing nonconforming garage with less than required side yard setbacks and construction of a two-story addition with less than required side yard setbacks, on an existing

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nonconforming structure with less than required front yard and side yard setbacks, on a corner lot, in 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.

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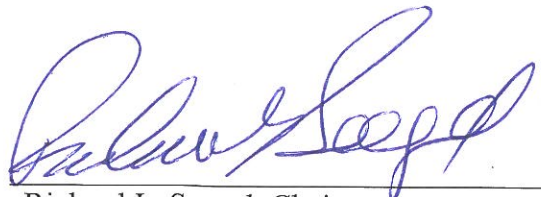


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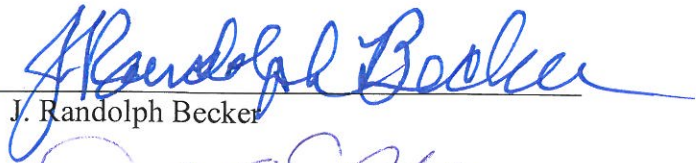
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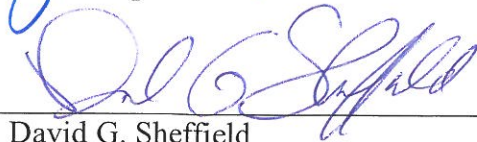
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman

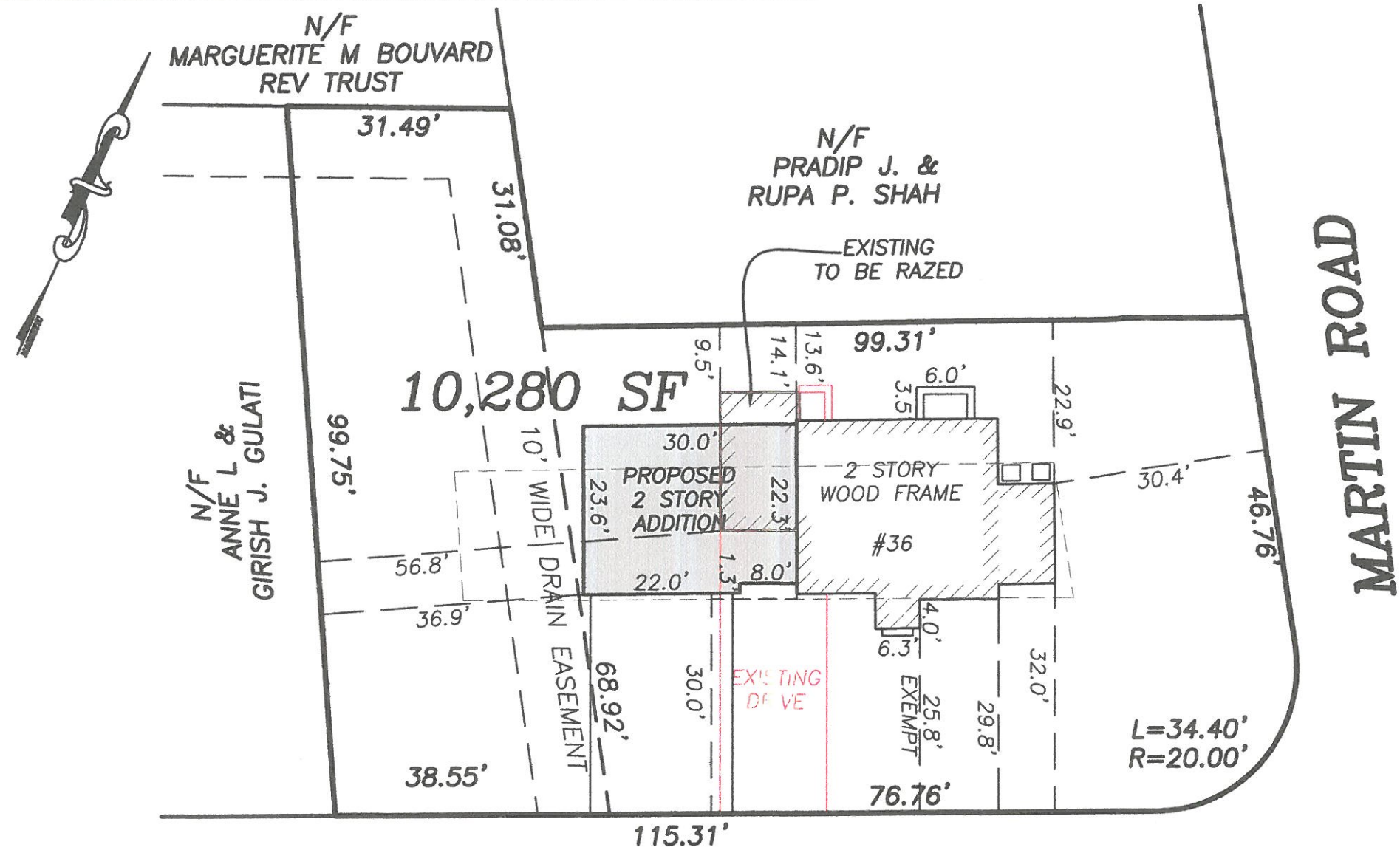


J. Randolph Becker



David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrn



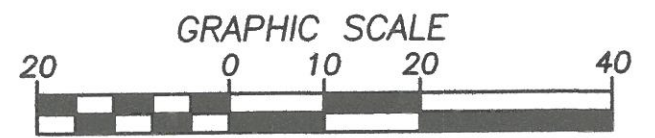
# CLEVELAND ROAD

REF: ZBA DECISION RECORDED IN  
BOOK 31313 PAGE 113.

ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	10,280 SF	10,280 SF
MINIMUM LOT FRONTAGE	60 FEET	115.31 FEET	115.31 FEET
MINIMUM FRONT SETBACK	30 FEET*	29.8 FEET	29.8 FEET(30.0 FEET TO NEW GARAGE)
MINIMUM SIDE YARD(1)	20 FEET	9.5 FEET	13.6 FEET(14.1 FEET TO NEW GARAGE)
MINIMUM SIDE YARD(2)	20 FEET	56.8 FEET	36.9 FEET
MINIMUM REAR YARD	10 FEET	N/A	N/A
MAXIMUM BUILDING COVERAGE	20%	10.5%	15.1%
MAXIMUM BUILDING COVERAGE	2500 SF	1083 FEET	1557 FEET
MAXIMUM BUILDING HEIGHT	36 FEET		
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES		

\*FRONT SETBACK DETERMINED BY 500 FOOT RULE



ZONING BOARD OF APPEALS  
PLAN OF LAND  
36 CLEVELAND ROAD  
WELLESLEY, MASS.

Field Resources, Inc.  
LAND SURVEYORS

MARCH 13, 2017  
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AUBURN, MA  
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NEEDHAM, MA.  
781 444 5936