

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2016-07
Petition of Brian & Amanda Kinney
11 Inverness Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 7, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Brian & Amanda Kinney requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 17,976 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 11 Inverness Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 21, 2015, 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 Brian Kinney, the Petitioner, and Mark Gluesing, Architect.

Mr. Gluesing said that the request is for a special permit for construction on an undersized lot. He said that the existing structure has a nonconforming setback on the right side. He said that the proposal is for a small addition at the rear of the house. He said that it will be a one story addition and a small laundry room addition over the garage. He said that the proposed addition will not be completely conforming. He said that there is a small shed at the rear of the garage that they are adding that increases the distance from the property line but is not quite conforming. He said that was done for architectural reasons. He said that there is a dormer on the back of the garage that they were using as an alignment point for the shed. He said that it is a 1.5 story garage.

Mr. Gluesing said that Mr. Kinney has a letter from the neighbor on that side saying that he has no objections to the work. He said that Mr. Kinney had staked it out and the neighbor looked at it and said that as long as Mr. Kinney was accurate with his staking, he had no issues with it. Mr. Kinney said that he also reviewed the plans with the neighbor.

The Board said that there is a large solid seven to eight foot fence and some vegetation on the neighbor's property and it seems unlikely that they would notice the difference.

Mr. Gluesing said that the requested relief is for approximately 2.5 feet. He said that they wanted to show the Board the architectural reasons for doing that. He said that they did not think that it would be

substantially more detrimental to the neighborhood than the existing nonconforming structure. He said that this house is slightly lower than the neighbor.

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 11 Inverness Road, on a 17,976 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, with a minimum right side yard setback of 14.7 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 17,976 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 5/16/15, stamped by Stephen P. Desroche, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 12/16/15, prepared by Mark Gluesing, Architect, and photographs were submitted.

On January 5, 2016, 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 construction of an addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 17,976 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet 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 an addition with less than required right side yard setbacks, on an existing nonconforming structure with less than required right side yard setbacks, on a 17,976 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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.

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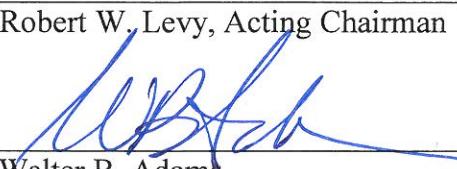
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

