



ZONING BOARD OF APPEALS

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

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ZBA 2019-30

Petition of Pamela & James Carr
14 Curve Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 7, 2019 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Pamela & James Carr requesting modification of a Variance pursuant to the provisions of Section XIX and Section XXIV of the Zoning Bylaw for construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 5,752 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 14 Curve Street.

On February 1, 2019, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing were Michael Hally, Architect, and Pamela and James Carr, the Petitioner.

The Chairman identified nonconformities on the property.

Ms. Carr said that they moved into this house 18 years ago as a couple and they now have two children. She said that the house has been tight with 1.5 bathrooms with two teenagers. She said that they have been looking at other homes on and off for ten years for one that has a mudroom and another bathroom. She said that the proposed plans include a mudroom, a master bedroom with a full bath, and a small kitchen extension. She said that they love their neighborhood and do not want to leave it. She submitted a letter of support that was signed by five neighbors.

Mr. Hally said that it is a small, narrow lot, somewhat trapezoidal. He said that the proposed addition will be off of the rear of the house in the middle of the lot. He said that they will remove the existing deck. He said that the 14.7 foot setback on the right side is to a bay window. He said that the setback to the new addition will be 16 feet. He said that the 16.4 foot setback on the left is to the box of the addition. He said that the 13.8 foot left side yard setback is to an overhang on brackets that leads to the new mudroom.

Mr. Hally said that the addition will be flush with the box of the existing house. He said that it will be two stories with a mudroom and kitchen expansion on the first floor and a modest master bedroom and walk in closets on the second floor that lead to a new bathroom in the existing shell.

Mr. Halley said that on the plan is to replicate what is there with shingle siding on the second floor, clapboard siding along the first floor perimeter, and a hip roof. He said that the addition will not be very visible from the front of the house.

Mr. Hally said that the request is to modify a variance that was granted in 1988, when someone enclosed an existing porch on the left side on piers and built the deck that will be removed with this project. A Board member said that the variance had been granted based on the shape of the lot.

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A Board member confirmed that the bay on the right side does not have a foundation. He said that the setbacks for the proposed addition will be less nonconforming than the existing nonconforming side yard setbacks.

A Board member said that this Board takes the position that once a variance is granted, the property owner has to come back before the Board to modify the variance to make alterations. He said that the Board assumes that the previous Board made the necessary determinations to grant a variance.

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 Curve Street, on a 5,752 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 16.9 feet where 30 feet is required, a minimum left side yard setback of 7.4 feet and a minimum right side yard setback of 11.4 feet where 20 feet is required.

The Petitioner is requesting modification of a Variance pursuant to the provisions of Section XIX and Section XXIV of the Zoning Bylaw for construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 5,752 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet.

A Plot Plan, dated 1/11/19, stamped by Christopher C. Charlton, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/10/19, prepared by Michael Hally Design, Inc., and photographs were submitted.

On February 28, 2019, the Planning Board reviewed the petition and recommended that modification of the variance 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.

The Board is of the opinion that in granting modification of previously granted Variance, ZBA 88-99, it was determined by a previous Board in 1988 that a hardship existed.

Therefore, in reliance on the prior findings of that Board, this Board amends the Variance to permit construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 5,752 square foot lot in a Single Residence District in which the minimum lot size is 10,000 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, modification of this Variance shall expire one year after the date time stamped on this decision.

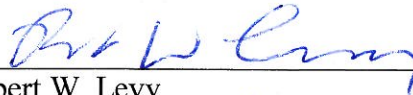
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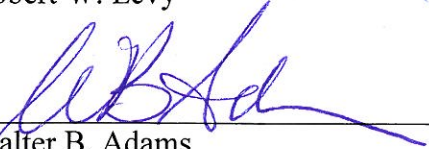
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


J. Randolph Becker, Chairman


Robert W. Levy


Walter B. Adams

ZBA 2019-30
Applicant Pamela & James Carr
Address 14 Curve Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

No. 41 HOWE ST.
N/F
FRANK PRALL

52.0'

LOT AREA
5,752[±]_{S.F.}

41.4

PROPOSED
ADDITION

PROPOSED
COVERED
LANDING

No. 12 CURVE ST.
N/F
HAIG TELLALIAN

7.4

No. 14
2-STORY
TOF=98.8
1st FL=100.0
RIDGE=126.2

EXIST.

No. 45 HOWE ST.
N/F
PERKINS & CACCIOLA

103.14'

11.4

59.00'

CURVE STREET

EXISTING LOT COVERAGE % 20.4
PROPOSED LOT COVERAGE % 23.8

EXISTING LOT COVERAGE (sqft) 1,172
PROPOSED LOT COVERAGE (sqft) 1,368

PREPARED FOR:

PAMELA & JAMES CARR
14 CURVE STREET
WELLESLEY, MA 02482

ZONING DISTRICT: SR10

REFERENCES:

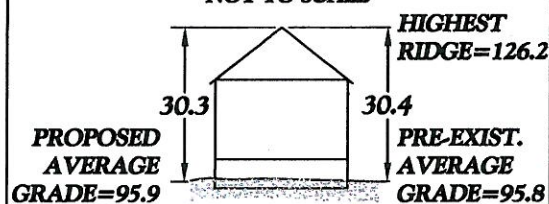
DEED: BOOK 15578, PAGE 532
PLAN: BOOK 1482, PAGE 517

I CERTIFY THAT THIS
PLAN WAS CREATED BY
AN INSTRUMENT
SURVEY ON THE
GROUND AND THAT ALL
STRUCTURES ARE
LOCATED AS SHOWN
HEREON.



CHRISTOPHER C. CHARLTON, PLS

HEIGHT PROFILE
NOT TO SCALE



CERTIFIED PLOT PLAN

LOCATED AT

14 CURVE STREET

ASSESSORS PARCEL # 0136-0008

WELLESLEY, MA

NORFOLK COUNTY

CONTINENTAL LAND SURVEY, LLC

105 BEAVER STREET, FRANKLIN, MA

(508) 528 - 2528

SCALE: 1"=20' JANUARY 11, 2019

