



ZONING BOARD OF APPEALS

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

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ZBA 2015-04

Petition of Joanne & Jon Blotner

15 Homestead Road

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JAN 22 P 3:03

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 8, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JOANNE & JON BLOTNER requesting a Variance pursuant to the provisions of Section XIX and Section XXIV of the Zoning Bylaw for demolition of an existing nonconforming front portico and construction of a new front portico with less than required front yard setbacks, on an 8,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 15 HOMESTEAD ROAD.

On December 22, 2014, 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 Tim Burke, Architect, Joanne and Jon Blotner, (the Petitioner).

Mr. Burke said that there is an existing flimsy canopy that does not shelter the front door, as shown on Plans A1 and A2. He said that due to the narrowness of the lot, the entire front of the house is within the 30 foot front yard setback, which would trigger the need for a variance. He said that the main reason for the request is to provide some shelter at the main entrance of the house. He said that they met with the abutters and they submitted seven letters of support.

The Board said that a variance standard is much tougher than a special permit. Mr. Burke said that this lot is smaller than adjoining lots in the neighborhood. He said that the lot is shallow. He said that it was probably a larger lot that was subdivided. He said that the total depth is only 70 feet.

Mr. Burke said that the new portico will extend beyond the existing portico by nine inches. A Board member said that the proposed portico design is tasteful and fits in nicely with house. He said that it is a better presentation than the current condition. He said that the Building Code would require the landing to be at least 42 inches deep, which it is not now. He said that is done for safety reasons so that there is enough room to negotiate a step down from the door and another step before stepping off of the porch level. He said that the hardship is based on the safety issue that the current porch is so shallow that it creates a safety hazard. He said that the request is to add nine inches.

Mr. Blotner said that a challenge is that they have one daughter and another child on the way. He said that it currently does not provide coverage for one child. He said that he is concerned with the safety issue with multiple children. He said that it is the main entrance that they use.

The Board said that with the shape of the lot being so narrow and having the house located where it is would require the house to be moved back, which would also require a variance. The Board said that there are really no other choices. The Board said that the percentage of square footage that will be added to what is already beyond the 30 foot setback will be low. The Board said that the bylaw contemplates 50 square foot porticos impinging on the 30 foot front yard setback in certain circumstances.

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 15 Homestead Road, on an 8,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 24 feet, a minimum rear yard setback of 13 feet and a minimum right side yard setback of 10.5 feet.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX and Section XXIV of the Zoning Bylaw for demolition of an existing nonconforming front portico and construction of a new front portico with less than required front yard setbacks, on an 8,000 square foot lot in a district in which the minimum lot size is 10,000 square feet.

A Plot Plan, dated 12/9/14, stamped by Bruce Bradford, Professional Land Surveyor, Existing & Proposed Floor Plans & Elevation Drawings, dated 12/15/14, prepared by Timothy Burke Architecture, and photographs were submitted.

On January 7, 2015, the Planning Board reviewed the petition and recommended that the petition be denied.

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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to shape of the land, which does not generally affect the zoning district that it is in, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted for demolition of an existing nonconforming front portico and construction of a new front portico with less than required front yard setbacks, on an 8,000 square foot lot in a district in which the minimum lot size is 10,000 square feet.

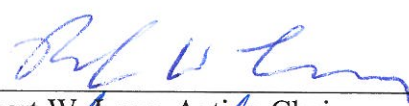
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

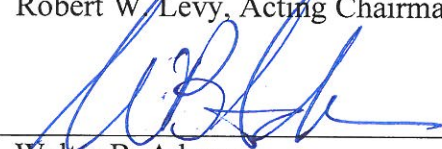
If construction has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

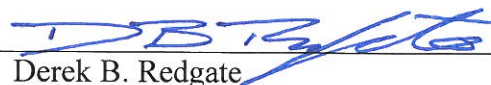
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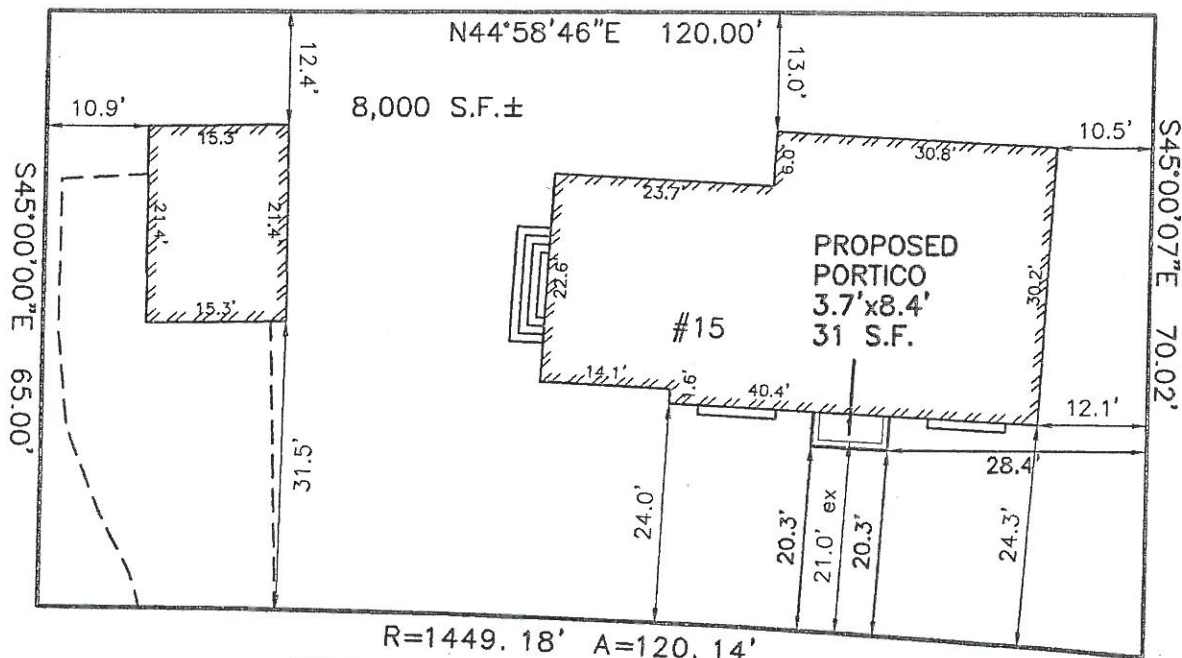
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Robert W. Levy, Acting Chairman

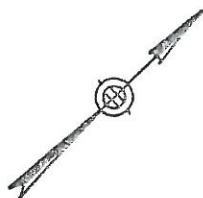

Walter B. Adams


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrn



R=1449.18' A=120.14'
HOMESTEAD ROAD



ZONING DISTRICT: SR-10

DEED REFERENCE:
 BOOK 31558 PAGE 208

EXISTING
 STRUCTURES: 1856 S.F.
 LOT COVERAGE: 23.2%

PROPOSED
 STRUCTURES: 1866 S.F.
 LOT COVERAGE: 23.3%

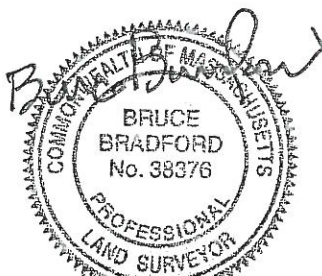
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EVERETT M. BROOKS CO.
 SURVEYORS & ENGINEERS

49 LEXINGTON STREET
 WEST NEWTON, MA 02465

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 (617) 332-1578 FAX
 info@everettbrooks.com



12/9/14

**PLAN OF LAND IN
 WELLESLEY, MA**

15 HOMESTEAD ROAD

PREPARED FOR:
 JOANNE & JONATHAN BLOTNER

SCALE: 1 IN. = 20 FT.

DATE: DECEMBER 9, 2014

DRAWN: SM

CHECK: BB

PROJECT NO. 24574

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