

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2017-76

Petition of Jacqueline Hempel & Matthew Kleker  
49 Woodlawn Avenue

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 7, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Jacqueline Hempel & Matthew Kleker requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing two-story structure and nonconforming garage, and construction of a new two story structure and attached one-story two-car garage with an attached mudroom, on an existing nonconforming structure with less than required left side yard setbacks, an existing nonconforming ridge height that exceeds the 36 feet from average grade, and less than required right side yard setbacks for the garage, at 49 Woodlawn Avenue, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 7, 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 Anu Shah, Cutting Edge Homes Inc., Jacqueline Hempel and Matthew Kleker, the Petitioner. Mr. Shah said that the request is for a special permit for modification of a nonconforming structure that will consist of demolition of a portion of the existing rear of the house that has a steep and dangerous stair, a kitchen, an awkward bedroom and bath upstairs, and demolition of a detached garage. He said that they will replace it with a more functional kitchen, safe stairs, a master bedroom and bath, a mudroom and an attached garage.

Mr. Shah said that there are three existing nonconformities. He said that the left side yard setback is 19.5 feet, the right yard setback on the garage is 12.4 feet, and the highest ridge line is 37.6 feet. He said that the proposed additions will not result in any additional nonconformities. He said that the 19.5 foot left side yard setback will remain as is, the right side yard setback for the garage will be improved to a conforming 20 feet, the rear yard setback will increase from 64.4 to 76.8 feet, and the highest ridge of the addition will be 26.5 feet. He said that the proposed alterations will not intensify the existing nonconformities.

The Chairman said that it is a lovely home and he has no problems with what they are proposing to do.

Mr. Shah said that the homeowners spoke with the neighbors and have six letters of support.

The Board identified the nonconformities as a left side yard setback of 19.5 feet where 20 feet is required and a height from average grade of 37 feet 7 inches where 36 feet from average grade is allowed for the existing dwelling and a right side yard setback of 12.4 feet where 20 feet is required for the existing

garage. The Board confirmed that the air conditioning units will not be located in the setback area. The Board made findings that the proposed addition will not result in any additional nonconformities or intensify existing nonconformities, and that the altered structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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 49 Woodlawn Avenue, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 19.5 feet and a height from average grade of 37 feet 7 inches for the existing dwelling, and a minimum right side yard setback of 12.4 feet for the existing garage.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing two-story structure and nonconforming garage, and construction of a new two story structure and attached one-story two-car garage with an attached mudroom, on an existing nonconforming structure with less than required left side yard setbacks and an existing nonconforming ridge height that exceeds 36 feet from average grade, and less than required right side yard setbacks for the garage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/13/17, a Plot Plan, dated 7/28/17, stamped by John R. Hamel, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 8/02/17, prepared by Cutting Edge Homes Inc., and photographs were submitted.

On September 6, 2017, the Planning Board reviewed the petition and recommended that 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 demolition of an existing two-story structure and nonconforming garage, and construction of a new two story structure and attached one-story two-car garage with an attached mudroom, on an existing nonconforming structure with less than required left side yard setbacks and an existing nonconforming ridge height that exceeds 36 feet from average grade, and less than required right side yard setbacks for the garage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing two-story structure and nonconforming garage, and construction of a new two story structure and attached one-story two-car garage with an attached mudroom, on an existing nonconforming structure with less than required left side yard setbacks and an existing nonconforming



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ridge height that exceeds 36 feet from average grade, and less than required right side yard setbacks for the garage, 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.

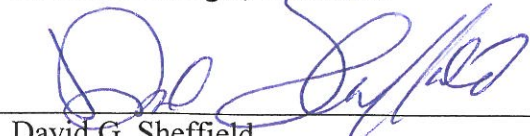
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TOWN OF BOSTON  
BUILDING DEPARTMENT  
2017 SEP 19 P 3:03

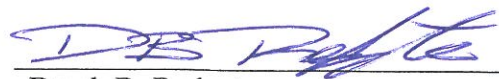
ZBA 2017-76  
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Chairman

  
David G. Sheffield

  
Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm

FILED  
TOWN CLERK'S OFFICE  
WELLESLEY MA 02462  
2017 SEP 19 P 3:03

SITE PLAN  
49 WOODLAWN AVENUE  
**WELLESLEY, MASSACHUSETTS**

1 INCH = 20 FEET JULY 28, 2017

SNELLING & HAMEL ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS & ENGINEERS  
10 LEWIS STREET P.O. BOX 102  
LINCOLN, MASSACHUSETTS 01773  
(781) 259-0071

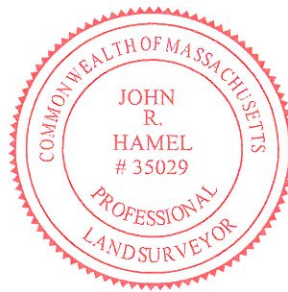
OWNERS OF RECORD:

MATTHEW E. KLEKER  
&  
JACQUELINE D. HEMPEL  
BK.33167 PG.253

I HEREBY STATE THAT THE LOCATION OF THE FEATURES SHOWN  
HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED AS OF  
MARCH 10, 2017, WITH THE USE OF A TOPCON TOTAL STATION.

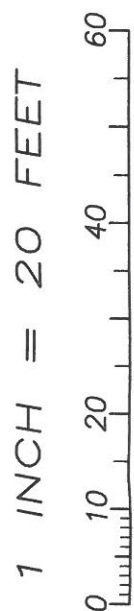
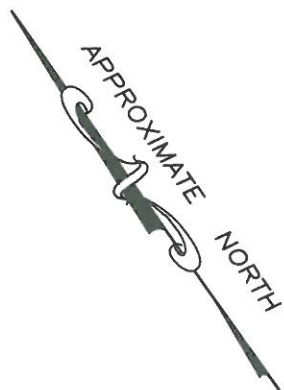
*John R. Hamel*

JOHN R. HAMEL  
PROFESSIONAL  
LAND SURVEYOR



JULY 28, 2017

DATE:



N/F  
THERESA M. CHRISTOPHER  
2003 REVOCABLE TRUST

N/F  
KEVIN P. HOURICAN  
&  
RENEE V. HOURICAN

N/F  
EDWARD P. HARUNG, JR.  
&  
CYNTHIA C. HARUNK

S.BOUND  
(FOUND)

100.31'

S.BOUND  
(FOUND)

ASSESSORS' PARCEL ID:  
63-33

RECORD AREA  
21,057 ± SQ. FT. (DEED)

N/F  
JOHN R. RILEY, JR.  
&  
ANNE B. RILEY

S.BOUND  
(FOUND)

N/F  
CHRISTOPHER T. DAHL  
&  
PATRICIA D. DAHL

EXISTING GARAGE  
(TO BE REMOVED)

PORTIONS OF  
EXISTING DWELLING  
(TO BE REMOVED)

(2) PROPOSED  
A/C UNITS  
(2.5'x2.6')

PROPOSED  
ADDITION

PROPOSED  
DRIVEWAY  
(PORTIONS OF  
EXISTING DRIVEWAY  
TO BE REMOVED)

#49

PORCH

PROPOSED  
BULKHEAD

EXISTING  
BITUMINOUS  
CONCRETE  
DRIVEWAY  
(TO REMAIN)

N/F  
WILLIAM J. COTTER  
&  
SUZANNE B. COTTER

NOTES:

- ZONING DISTRICT: SINGLE RESIDENCE 10
- CONSTRUCTION SURVEY STAKEOUT IS RECOMMENDED TO ASSIST IN THE PLACEMENT OF THE PROPOSED ADDITION
- PROPOSED ROOF OVERHANGS ARE NOT TO EXCEED 1'-8" (PER DESIGNER)

PLAN REFERENCES:

- PLAN RECORDED IN BOOK 1062 ON PAGE 21
- PLAN RECORDED IN BOOK 1490 ON PAGE 67
- PLAN RECORDED IN BOOK 1162 ON PAGE 424
- PLAN RECORDED IN BOOK 1803 ON PAGE 522
- PLAN RECORDED IN BOOK 1468 ON PAGE 381

LOT COVERAGE:

- EXISTING LOT COVERAGE: 9.4% (1,972 S.F.)
- PROPOSED LOT COVERAGE: 12.2% (2,565 S.F.)

AVERAGE GRADE = 97.2

- AS SHOWN ON AVERAGE GRADE CALCULATION DATED JULY 25, 2017, BY SNELLING & HAMEL ASSOCIATES, INC.

BENCHMARKS:

- BM1 - CENTER OF WOODEN THRESHOLD AT FRONT DOOR  
ELEVATION = 100.00 (ASSUMED)
- BM2 - SPIKE SET 1.1'± UP IN A 20" PINE TREE  
ELEVATION = 99.40

S.BOUND  
(FOUND)

100.0'

S.BOUND  
(FOUND)

WOODLAWN AVENUE