



ZONING BOARD OF APPEALS

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

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ZBA 2016-48
 Petition of Todd & Elizabeth Cook
 6 Midland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 14, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Todd & Elizabeth Cook requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of two-story additions that will meet all setback requirements and construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than requirement right side yard setbacks, in a 10,000 square foot Single Residence District, at 6 Midland Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 28, 2016, 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., Todd Cook, the Petitioner, and John Tiryaki, Architect.

Mr. Himmelberger said that the request is for a special permit/finding for an addition to an existing nonconforming structure with less than required side yard setbacks. He said that the existing garage is nonconforming for side and rear yard setbacks.

Mr. Himmelberger said that the request is to remove the rear porch, construct a two story addition at the rear that will comply with Zoning requirements, construct a one story addition on the right that will extend to 18.2 feet in the setback area, which will be well within the existing nonconforming setback of 14.5 on the right side. He said that existing lot coverage is 22 percent and will increase to 24.8 percent. He said that the height will be unchanged at 34.5 feet. He said that the Total Living Area plus Garage (TLAG) will increase from 2,810 square feet to 3,459 square feet, which is below the 3,600 square foot threshold for the district. He said that the proposed in-fill on the right side and the rear addition are tasteful and in scale with neighborhood and will not be more detrimental to the neighborhood.

Mr. Himmelberger said that the Planning Department Staff recommended approval subject to the submittal of a TLAG Affidavit. The Board said that the TLAG Affidavit that was submitted was not signed. Mr. Tiryaki said that he would sign the TLAG affidavit.

A Board member asked if any effort was made to design the additions in compliance to the bylaw. He said that it is a matter of two feet and there is a fair amount of room at the back of the property. He asked

about making the addition more narrow and extending it back. Mr. Tiriyaki said that they considered it but the kitchen counter and island and stair mass are specific to the functionality of the space. The Board said that they could rebuild the entire structure beyond the kitchen. Mr. Tiriyaki said that would require redesign and affect the amount of usable backyard space.

Mr. Himmelberger said that the nonconforming side of the structure abuts 8 Midland Road which has a well vegetated area, so the impact on 8 Midland Road will be minimal. He said that the proposed elevation drawings look good and gives the structure balance.

Mr. Tiriyaki said that the lot line is not parallel.

The Board said that the nonconformities will not be exacerbated. The Board said that lot coverage will be increased.

Douglas Smith, 8 Midland Road, said that he has looked at the plans and is satisfied.

The Board said that the side yard setback lost .2 inches since 1998. The Board said that the old survey shows a setback of 14.7 feet.

Statement of Facts

The subject property is located at 6 Midland Road, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 14.5 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 two-story additions that will meet all setback requirements and construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than requirement right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/2/16, stamped by Clifford E. Rober, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 5/9/16, prepared by Tiriyaki Architectural Design, LLC, and photographs were submitted.

On July 11, 2016, the Planning Department Staff reviewed the petition and recommended that the special permit 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.

It is the opinion of this Authority that construction of two-story additions that will meet all setback requirements shall neither increase an existing nonconformity nor create a new nonconformity and

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although construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than requirement right side yard setbacks 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 two-story additions that will meet all setback requirements and construction of a one-story addition with less than required right side yard setbacks, on an existing nonconforming structure with less than requirement right side yard setbacks, 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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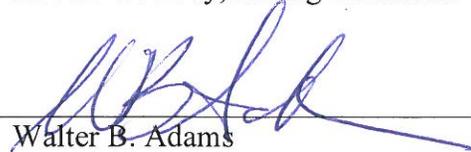
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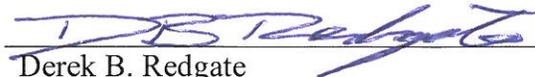
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman

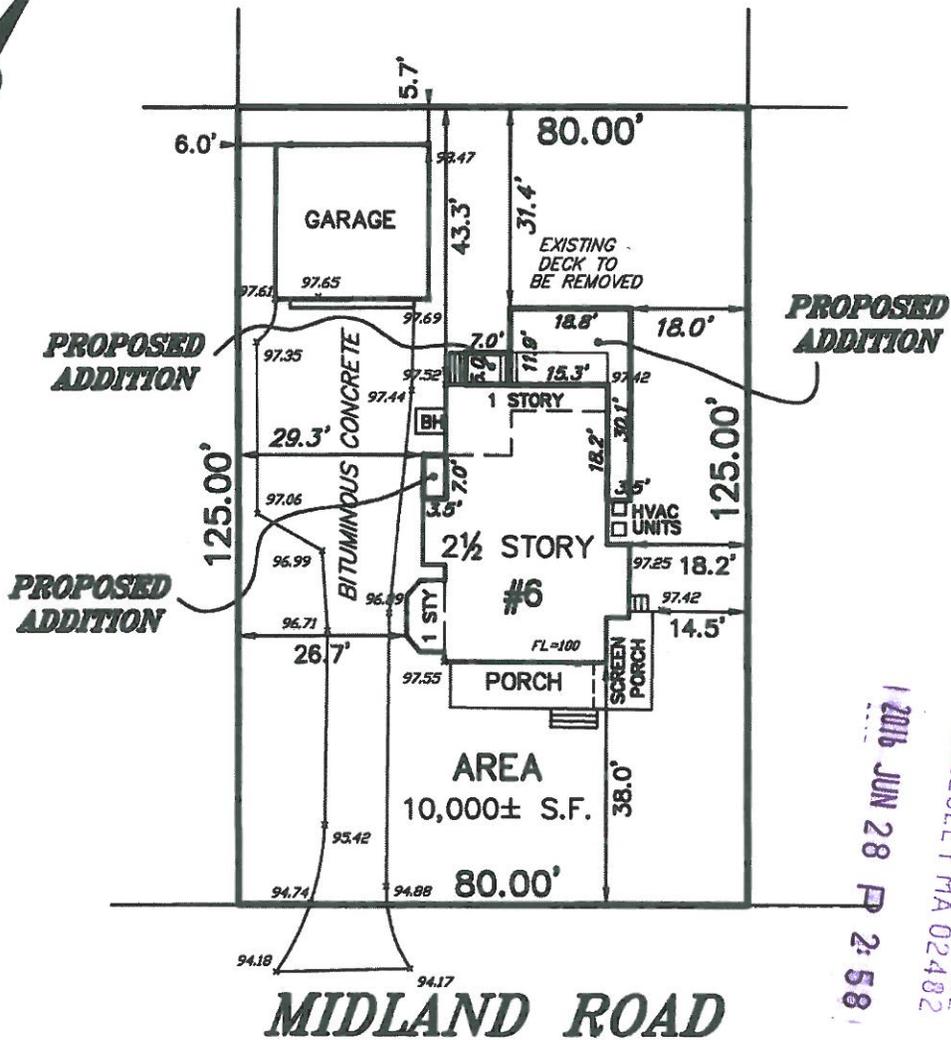


Walter B. Adams



Derek B. Redgate

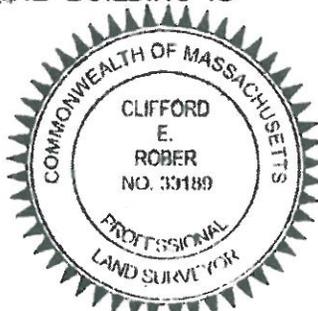
cc: Planning Board
Inspector of Buildings
lrm



EXISTING LOT COVERAGE = 22.0%
 PROPOSED LOT COVERAGE = 24.8% (2,480± S.F.)

OWNER: TODD COOK & ELIZABETH DONOHOE COOK

I HEREBY CERTIFY THAT THE BUILDING IS
 LOCATED AS SHOWN.



Clifford E. Rober
 CLIFFORD E. ROBER, PLS DATE

THIS PLAN MAY HAVE BEEN ALTERED IF
 THE SIGNATURE IS NOT SIGNED IN BLUE.

PROPOSED PLOT PLAN
#6 MIDLAND ROAD
 IN
WELLESLEY, MA
 (MIDDLESEX COUNTY)

SCALE: 1" = 30' DATE: 3/2/2016

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