



ZONING BOARD OF APPEALS

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

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ZBA 2019-41

Petition of Jonathan & Amy Tang Edwards

24 Colby Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 2, 2019 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Jonathan & Amy Tang Edwards requesting modification of a Variance, ZBA 53-14, that was granted on March 5, 1953, pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming deck and construction of a one-story addition with less than required left side yard setbacks, extension of and construction of a second story over an existing nonconforming structure with less than required right side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, in a 10,000 square foot Single Residence District and a Water Supply Protection District, at 24 Colby Road.

On March 28, 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 was Jonathan Edwards, the Petitioner, who said that he lives at 24 Colby Road with his wife and 14 month old daughter. He said that they have lived there for almost six years, love the home and the neighborhood. He said that the house is an existing two story cape on a 10,000 square foot lot that was built by variance for side yard setbacks. He said that the request is to create a two story addition that will meet the growing needs of their family. He said that the addition will retain the existing side yard setback. He said that they will build straight back. He said that there will be no changes to the front of the house. He said that the addition will give them more square footage for a larger kitchen, a larger family space, and the opportunity to build an additional bedroom upstairs with a bathroom.

The Chairman said that the request is for modification of a variance. He said that the original variance was granted because of the shape of the lot and nothing has changed concerning that.

A Board member said that the Existing Elevations Drawing shows the front as an east elevation and the proposed drawing shows the front as the west elevation. Mr. Edwards said that the front of the house faces east. He said that the existing elevation plan is correct and the proposed elevation plan is mislabeled.

There was no one present at the public hearing who wished to speak to the petition.

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 TOWN CLERK
 WELLESLEY, MASS.
 2019 MAY 16 2:33 PM

Statement of Facts

The subject property is located at 24 Colby Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 16.5 feet and a minimum right side yard setback of 17.1 feet where 20 feet is required.

The Petitioner is requesting modification of a Variance, ZBA 53-14, that was granted on March 5, 1953, pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming deck and construction of a one-story addition with less than required left side yard setbacks, extension of and construction of a second story over an existing nonconforming structure with less than required right side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks.

A Plot Plan, dated 2/28/18, and a Proposed Plot Plan, dated 3/22/19, stamped by Terrence M. Ryan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/18/19, prepared by Homefolks Design, and photographs were submitted.

On May 2, 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 53-14, that was granted on March 5, 1953, it was determined by a previous Board that a hardship existed.

Therefore, in reliance on the prior findings of that Board, this Board amends the Variance to permit demolition of an existing nonconforming deck and construction of a one-story addition with less than required left side yard setbacks, extension of and construction of a second story over an existing nonconforming structure with less than required right side yard setbacks, on an existing nonconforming structure with less than required left and right side yard setbacks, subject to the following condition:

- Revised elevation drawings shall be submitted that show the correct orientation of the house.

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.

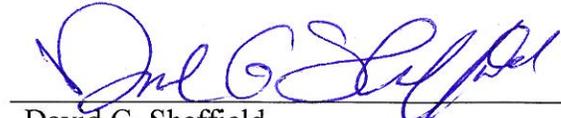
If construction has not commenced, except for good cause, modification of the Variance shall expire one year after the date time stamped on this decision.

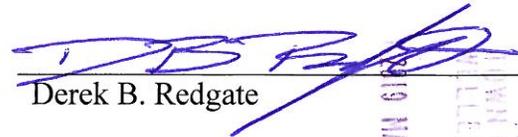
2019 MAY 16 P 3:11
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WELLS RIVER, MA 02154
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ZBA 2019-41
Petition of Jonathan & Amy Tang Edwards
24 Colby Road

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, Acting Chairman


David G. Sheffield


Derek B. Redgate

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ZBA 2019-41
Applicant Jonathan & Amy Tang Edwards
Address 24 Colby Road

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

PLOT PLAN 24 COLBY ROAD WELLESLEY, MASS.

DATE: FEBRUARY 28, 2019

SCALE: 1" = 20'

PREPARED FOR:

HOMEFOLKS DESIGN
2 SUMMER STREET SUITE 302
NATICK, MASS. 01760

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO. LLC
21 GREEN STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.
AREA: 10,000 SF
FRONTAGE: 60 FT
SETBACK: 30 FT *
SIDEYARD: 20 FT
REARYARD: 10 FT
COVERAGE: 2,500 SF

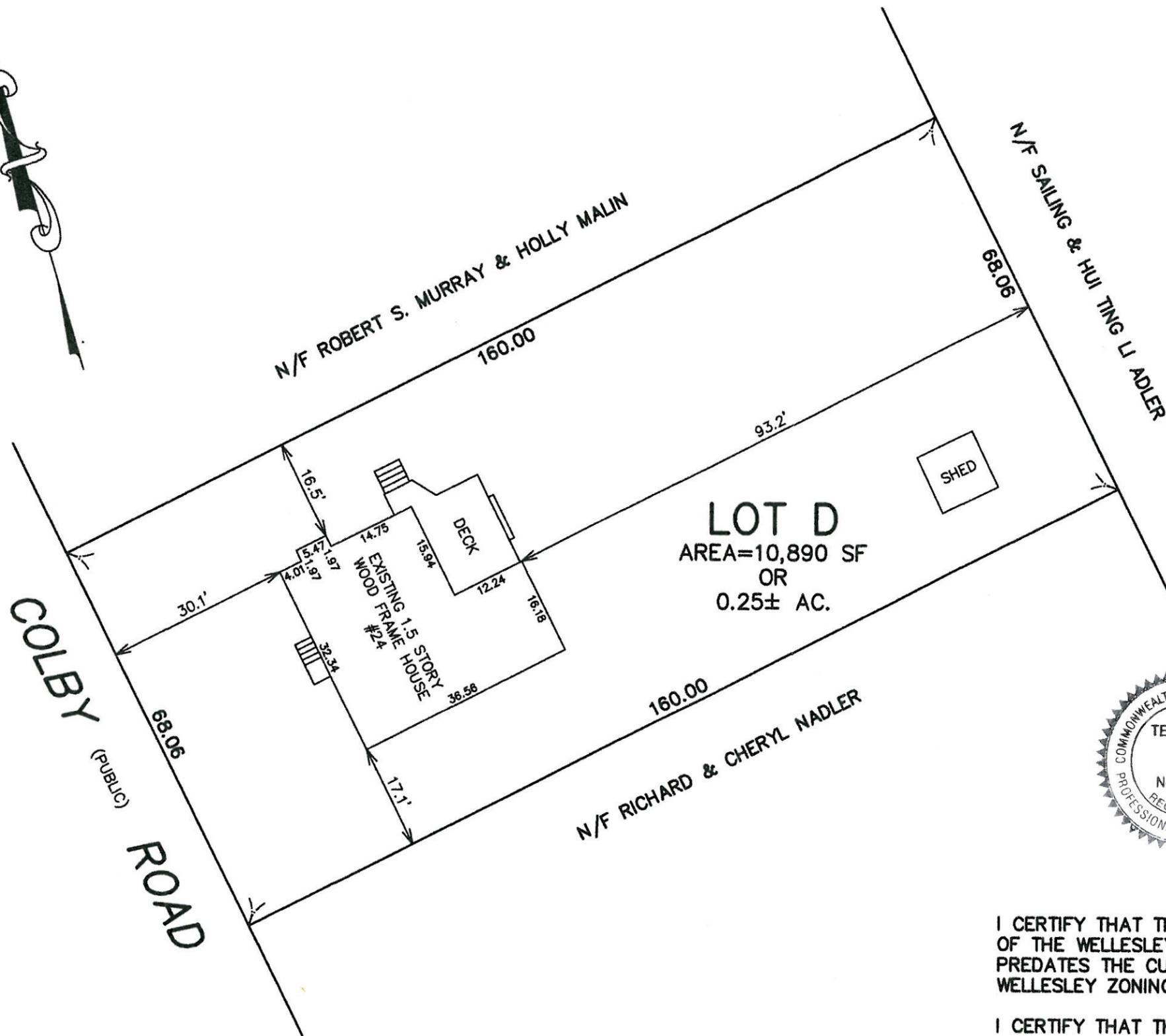
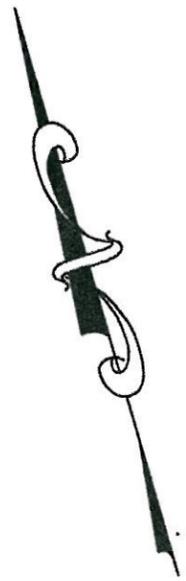
*SUBJECT TO 500' RULE

DEED BOOK 31342 PAGE 291
ASSESSORS MAP 203 LOT 55
EXISTING COVERAGE: 1,313 SF = 12.1%



I CERTIFY THAT THE LOT SHOWN CONFORMS TO THE DIMENSIONAL REGULATIONS OF THE WELLESLEY ZONING BYLAWS AND THE EXISTING HOUSE SHOWN THEREON PREDATES THE CURRENT DIMENSIONAL OFFSET REGULATIONS OF THE WELLESLEY ZONING BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 25021C0012E).



PROPOSED PLOT PLAN 24 COLBY ROAD WELLESLEY, MASS.

DATE: MARCH 22, 2019

SCALE: 1" = 20'

PREPARED FOR:

HOMEFOLKS DESIGN
2 SUMMER STREET SUITE 302
NATICK, MASS. 01760

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO. LLC
21 GREEN STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.
AREA: 10,000 SF
FRONTAGE: 60 FT
SETBACK: 30 FT *
SIDEYARD: 20 FT
REARYARD: 10 FT
COVERAGE: 2,500 SF

*SUBJECT TO 500' RULE

DEED BOOK 31342 PAGE 291
ASSESSORS MAP 203 LOT 55
EXISTING COVERAGE: 1,313 SF = 12.1%
PROPOSED COVERAGE: 1,501 SF = 13.8%



I CERTIFY THAT THE LOT SHOWN CONFORMS TO THE DIMENSIONAL REGULATIONS OF THE WELLESLEY ZONING BYLAWS AND THE EXISTING HOUSE SHOWN THEREON PREDATES THE CURRENT DIMENSIONAL OFFSET REGULATIONS OF THE WELLESLEY ZONING BYLAWS.

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