

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

2002 JAN -4 A 8:14

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ZBA 2001-89

Petition of Judy J. Mongiardo  
272 Oakland Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 29, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JUDY J. MONGIARDO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the raising of the roof 12 feet above her existing nonconforming garage and breezeway to accommodate a 27.28 foot by 19.34 foot second story addition with less than the required right side yard setback, at her nonconforming dwelling with less than the required right side yard setback, at 272 OAKLAND STREET, on the corner of JEFFERSON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On November 13, 2001, 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 Judy and Jim Mongiardo. Mrs. Mongiardo said they are requesting a Special Permit to add a second story addition over their existing garage and breezeway, which is a nonconforming structure. Their home is a 1930's classic colonial. They would like to expand the living space inside the house, by creating a kitchen with an eating area, which is large enough to hold the family instead of using the dining room, and a family room area next to the kitchen. In order to do this, they will incorporate the existing fourth bedroom on the first floor into the expansion. The second story addition would allow them to move the fourth bedroom to the second floor both for the needs of the family and the resale value.

The Board complimented Mrs. Mongiardo on the quality of her submission. The Board asked if she had spoken to her abutters about the project. Mrs. Mongiardo said that she had, and that the neighbors had no problem with the addition.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 272 Oakland Street, at the corner of Jefferson Road, on a 12,693 square foot lot, in a Single Residence District, and has a minimum right side yard setback of 12.4 feet.

The petitioner is requesting a Special Permit/Finding that the raising of the roof 12 feet above the existing nonconforming garage and breezeway, with a minimum right side yard clearance of 12.4 feet, to

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accommodate a 27.28 foot by 19.34 foot second-story addition with the same minimum right side yard clearance, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. There will be no change in the footprint.

A plot plan dated November 8, 2001, stamped by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated September 10, 2001, drawn by Vincent Codispoti, Jr., Architect; and photographs were submitted.

On November 27, 2001, the Planning Board reviewed the petition and had no objection.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is finding of this Authority that the construction of the 27.28 foot by 19.34 foot second story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance, nor will it create new nonconformity, as there will be no change in the footprint.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to raise the roof above the garage and breezeway 12 feet to accommodate the 27.28 foot by 19.34 foot second-story addition in accordance with the submitted plot plan and construction drawings.

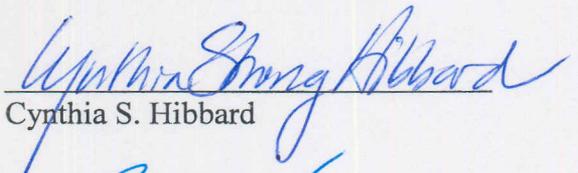
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

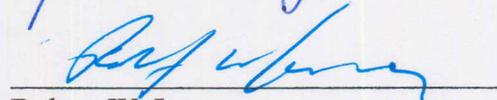
Cc: Planning Board  
Inspector of Buildings  
edg



Kendall P. Bates, Chairman



Cynthia S. Hibbard



Robert W. Levy

