



## ZONING BOARD OF APPEALS

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

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ZBA 2003-22

Petition of Stephen Bogiages and Carole Hughes  
 12 Hill Top Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 13, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of STEPHEN BOGIAGES and CAROLE HUGHES requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the raising of the ridgeline of their roof 9 feet above the entire first floor to accommodate a 26.2 foot by 38.3 foot second story addition at their nonconforming dwelling with less than the required front and right side yard setbacks, at 12 HILL TOP ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 21, 2003, the petitioners 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 was Stephen Bogiages, who said they would like to add a second story above the existing first floor. They have spoken to their neighbors who are in full support of the project.

The Board commented that many of the homes in the neighborhood are two-story dwellings, and that the second story would be an enhancement. However, the house is very symmetrical, while the proposed construction would be asymmetrical. The Board suggested that the petitioner review the door locations in regard to future furniture location and general function.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 12 Hill Top Road, on a 6,000 square foot lot in a 10,000 square foot Single Residence District, and has a minimum front yard setback of 17.5 feet and a minimum right side yard setback of 5.8 feet.

The petitioners are requesting a Special Permit/Finding that the raising of the ridgeline of their roof 9 feet above the entire first floor to accommodate a 26.2 foot by 38.3 foot second story addition with a minimum front yard setback of 17.5 feet and a minimum right side yard setback of 5.8 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

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A Plot Plan dated May 10, 2002, stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated May 7, 2002, drawn by Quirk Design Architects; and photographs were submitted.

On March 11, 2003, the Planning Board reviewed the petition and had no objection to the request.

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.

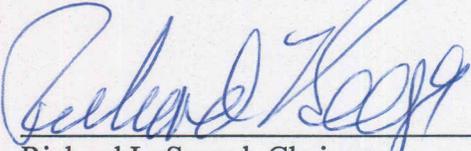
It is the finding of this Authority that the construction of the proposed 26.2 foot by 38.3 foot second story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming one-story structure, as the addition shall neither intensify the existing nonconformance, nor shall it create new nonconformity as there will be no change in the footprint.

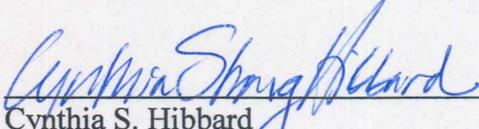
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the second story addition in accordance with the submitted plot plan and construction drawings.

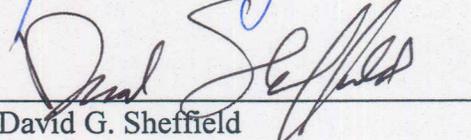
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

  
Richard L. Seegel, Chairman

  
Cynthia S. Hibbard

  
David G. Sheffield

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