

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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2003 MAR 28 A 8:30

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ZBA 2003-29

Petition of Anne and Denis Briand
14 Ox Bow 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 ANNE AND DENIS BRIAND requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a one-story 19 foot by 26.3 foot addition with less than the required right side yard setback, at their nonconforming dwelling with less than the required right and left side yard setbacks, at 14 OX BOW ROAD, in a 20,000 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 Anne Briand, who requested permission to build a one-story family room that would be less nonconforming than their existing house. The neighbors have no objections and have written letters in support of the petition.

The Board noted that the Planning Board commented that although narrow, the lot is deep with adequate area for a conforming addition.

The Board was of the opinion that the proposed family room is a modest addition.

The Board noted there are stands of trees on both sides of the narrow lot, and questioned whether a contractor could move equipment onto the site without taking down many trees. Mrs. Briand said her right side abutter is also building an addition, and they are trying to work this out together.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 14 Ox Bow Road, in a 20,000 square foot Single Residence District, on a 17,415 square foot lot, and has a minimum right side yard clearance of 10.2 feet and a minimum right side yard clearance of 9.8 feet.

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The petitioners are requesting a Special Permit/Finding that the construction of a one-story 19 foot by 26.3 foot addition, with a minimum right side yard clearance of 10.8 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated February 11, 2003, stamped by George N. Giunta, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 1/12/03, drawn by Wayne Rawley; and photographs were submitted.

Letters in support of the petition were received from Anne T. Melvin, 16 Ox Bow Road; Mary and Kirk Henry, 17 Ox Bow Road; and Mary Suresh, 8 Ox Bow Road.

On March 11, 2003, the Planning Board reviewed the petition and stated that although narrow, the lot is deep and the Board feels there is adequate area for a conforming addition meeting the owners' needs.

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.

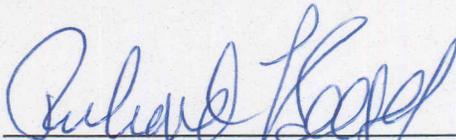
It is the finding of this Authority that the proposed 19 foot by 26.3 foot one-story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition shall neither intensify the existing nonconformance, nor create new nonconformity as it shall be less nonconforming than the existing structure.

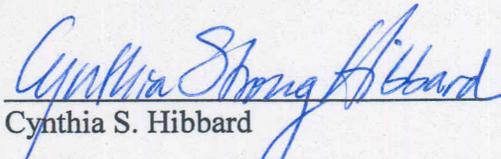
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the one-story addition in accordance with the submitted plot plan and construction drawings.

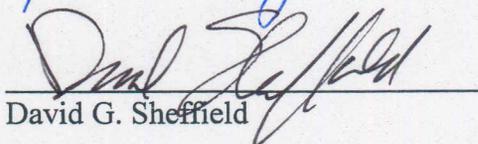
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

