



ZONING BOARD OF APPEALS

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

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2003 NOV 17 A 8:27

ZBA 2003-88
Petition of Arshag and Barbara Merguerian
21 Pine Tree Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 6, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ARSHAG AND BARBARA MERGUERIAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a second story 8 foot by 4.8 foot dormer, with less than the required right side yard setback, at their nonconforming dwelling with less than the required left, front and right side yard setbacks, at 21 PINE TREE ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

On October 20, 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 Arshag Merguerian, who said they have owned their home for 38 years. This is the first and only change to their home. They would like to add a small dormer to provide space for a shower in an existing half-bath, as well as additional light and ventilation. The house is hipped on two sides, with a shed dormer in the rear, and two unusual round dormers in the front to increase the headroom. The new dormer would be on the right side.

The Board noted that the Planning Board had no objection. No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 21 Pine Tree Road, in a 10,000 square foot Single Residence District, on a 6,000 square foot lot and has a minimum left side yard clearance of 16.9 feet, a minimum front yard clearance of 18 feet and a minimum right side yard clearance of 10.5 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a second story 8 foot by 4.8 foot dormer, with a minimum right side yard setback of 10.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

A Plot plan dated October 15, 2003, stamped by James J. Abely, Professional Land Surveyor; Proposed Second Floor Plan and Proposed Front and Right Side Elevations, dated 8/2/03, drawn by Arshag Merguerian, AIA; and photographs were submitted.

On November 4, 2003, the Planning Board reviewed the petition and had no objection to granting 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 with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the construction of the 8 foot by 4.8 foot second story dormer, with a minimum right side yard setback of 10.6 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the new dormer shall neither intensify the existing nonconformance, nor create new nonconformity, as there shall be no change in the footprint.

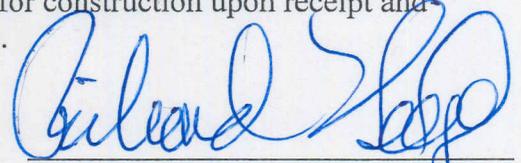
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the 8 foot by 4.8 foot second story dormer in accordance with the submitted plot plan and construction drawings.

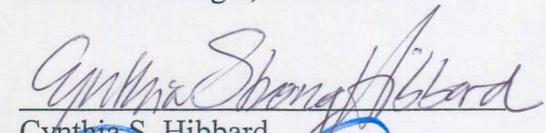
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

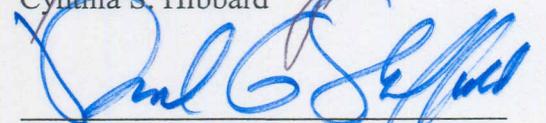
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg

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Richard L. Seegel, Chairman


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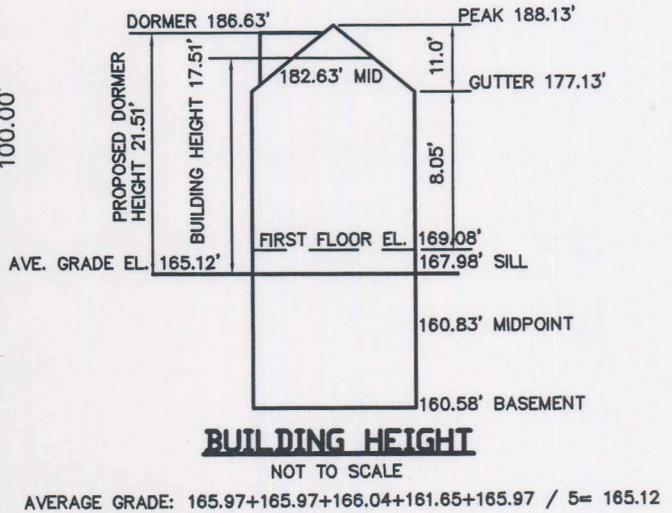
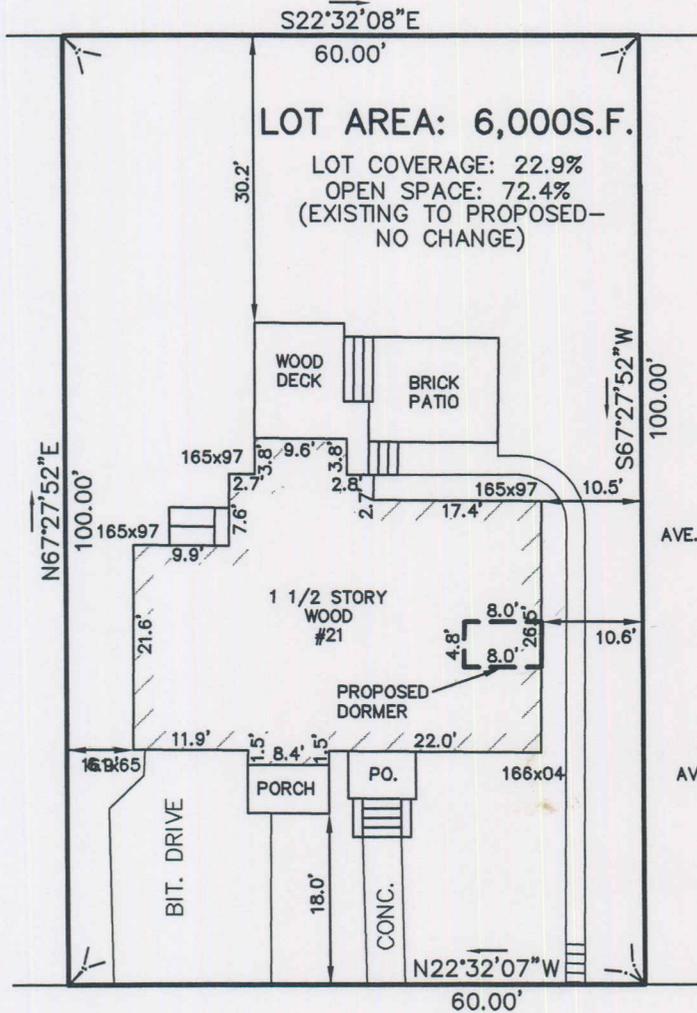
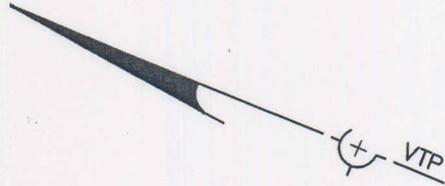
PLOT PLAN

PROPERTY ADDRESS: 21 PINE TREE ROAD, WELLESLEY, MA 02482

SCALE: 1 IN. = 20 FT.

DATE: OCTOBER 15, 2003

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PINE TREE ROAD

REGISTRY OF DEEDS: NORFOLK
 DEED REF: BOOK 16366 PAGE 367 CERT. _____

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