

**ZONING BOARD OF APPEALS**

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ZBA 2011-10
Petition of Paul & Sarah Green
18 Alba Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, February 10, 2011 on the petition of PAUL & SARAH GREEN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and screened porch and construction of a one-story addition and shed at the back of the house and construction of a second story addition over an existing garage that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, at 18 ALBA 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 January 25, 2011, 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 Paul and Sarah Green (the "Petitioner").

Mr. Green said that the proposal is to build a kitchen/family room off of the back of the house and build a bedroom over the existing garage.

Mr. Green said that the house was built in 1945. He said that the front yard setback is 28.5 feet. He said that it is a corner lot.

Mr. Green said that they had shown the plans to all of their neighbors. He said that they worked hard to make the addition look pleasing internally as well as externally.

The Board said that the left corner of the house is nonconforming in the front yard setback.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 18 Alba Road, on a corner lot in a 10,000 square foot Single Residence District, with a minimum front yard setback of 28.5 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing deck and screened porch and construction of a one-story addition and shed at the back of the house and construction of a second story addition over an existing garage that will meet all setback requirements, on an existing

nonconforming structure with less than required front yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/7/11, stamped by Robert F. Drake, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 1/13/11, prepared by Brian Bayer, Architect, and photographs were submitted.

On February 7, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that demolition of an existing deck and screened porch and construction of a one-story addition and shed at the back of the house and construction of a second story addition over an existing garage that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for demolition of an existing deck and screened porch and construction of a one-story addition and shed at the back of the house and construction of a second story addition over an existing garage that will meet all setback requirements, on an existing nonconforming structure with less than required front yard setbacks, 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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

