

TOWN OF WELLESLEY



MASSACHUSETTS

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5900

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1998 FEB 12 4 10 45

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ZBA 98-1  
Petition of Barbara Z. Williams  
19 Appleby Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 29, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley on the petition of BARBARA Z. WILLIAMS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 3 foot by 8 foot one-story addition with less than the required right side yard setback, at her nonconforming dwelling with less than the required front and right side yard setbacks, at 19 APPLEBY ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 12, 1998, 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 was Barbara Williams, who was accompanied by her architect, Robert Zarella. Mr. Zarella said that the proposal is to add a bay window with a floor beneath it at the rear of the house, which would serve as a breakfast area adjacent to the kitchen. The addition has been stepped in 2 1/2 feet from the right side of the nonconforming house.

The Board noted the presence of a fire escape and asked if the property had a rental unit. Ms. Williams said the house is a legal two-family dwelling. Mr. Zarella added that, at the request of the Building Department, the fire escape has been certified by a structural engineer.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 19 Appleby Road on an 8,925 square foot lot, in a Single Residence District. The dwelling has a minimum front yard clearance of 24.6 feet and a minimum right side yard clearance of 13.8 feet.

The petitioner is requesting a Special Permit/Finding that the construction of an 8 foot by 3 foot one-story addition, with a minimum right side yard clearance of 15.1 feet, shall not be

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substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated October 28, 1997, revised November 21, 1997, drawn by Paul J. Sawtelle, Registered Land Surveyor; Floor Plans and Elevations dated November 11, 1997, drawn by Robert Zarelli, Architect; and photographs were submitted.

On January 20, 1998, the Planning Board reviewed the petition and had no objection to the granting of the request.

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.

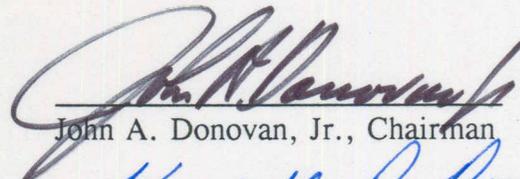
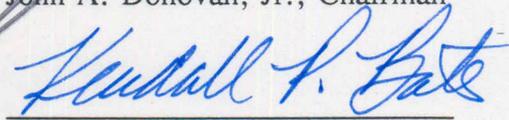
It is the finding of this Authority that the proposed one-story 3 foot by 8 foot addition will not intensify the existing nonconformance, nor will it create additional nonconformities as it will be less nonconforming than the existing nonconforming structure.

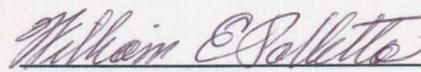
Therefore, a Special Permit is granted for the addition, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plot plan and architectural drawings.

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.

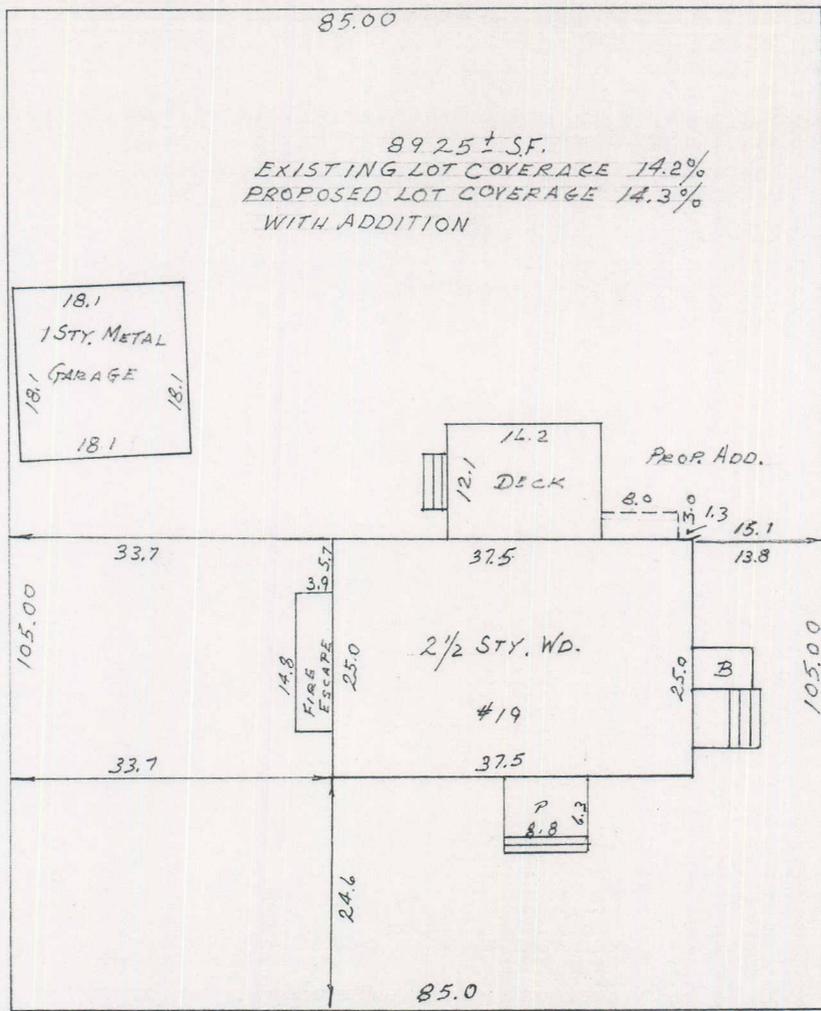
cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman  
  
Kendall P. Bates

  
William E. Polletta

1998 FEB 12 A 10:45

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1998 JAN 12 A 11: 19

APPLEBY ROAD

PLAN OF LAND  
IN  
WELLESLEY, MASS.



*Paul J. Sawtelle*

SCALE 1" = 20'  
MASS BAY SURVEY

REV. NOVEMBER 21, 1997  
OCTOBER 28, 1997  
NEWTON, MASS.