

**ZONING BOARD OF APPEALS**

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

JOHN A. DONOVAN  
KENDALL P. BATES  
WILLIAM E. POLLETTAELLEN D. GORDON  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 208SUMNER H. BARCOCK  
ROBERT A. BASTILLE  
CYNTHIA S. HIBBARD

ZBA 98-69

Petition of Jane F. Amara and Neil E. Simister  
19 Avon Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 20, 1998, at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JANE F. AMARA AND NEIL E. SIMISTER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 6.5 foot by 20.5-foot addition, with less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback, at 19 AVON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 3, 1998, 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 were Jane Amara and Neil Simister. Ms. Amara said they are asking permission to build a two-story addition which will be nonconforming on the left side. The nonconformance of 6 inches is on the first floor only, as the second floor is jogged in 3 feet.

Ms. Amara said that they have maximized the distance to the left side by jogging in the first floor side wall 3 feet; by jogging in the second floor side wall an additional 3.5 feet so that the only vertical structure on the second floor within 20 feet of the side line is the balcony rail; and by further jogging in the deck so it is conforming. The additional 6 inches is necessary to allow space for a kitchen table on the first floor and for a bathroom on the second floor. The left side is screened by plantings.

The Board said that the plot plan shows the left rear corner of the house at 19.6 feet from the property line, and a 2.95 foot setback from the corner of the house to the addition. Ms. Amara said that the house is about 17 feet from the left side line.

The Board was of the opinion that the plot plan was confusing. Although the addition would not be more detrimental, as it is coming no closer than the existing nonconforming structure to the left side line, a new plot plan would be required correcting the left side line setback of the existing house, as 19.6 is the setback of the new addition, not the existing rear corner setback.

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19 Avon Road

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming property is located at 19 Avon Road, in a Single Residence District, on a 9,495 square foot lot, and has a minimum left side yard clearance of 16.65 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 6.5 foot by 20.5 foot two-story addition, with a minimum left side yard clearance of 19.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated July 9, 1998, revised July 17, 1998, drawn by Paul J. Sawtelle, Registered Land Surveyor; Floor Plans and Elevations dated May 18, 1998, revised May 28, 1998, drawn by Harriet Christina Chu, AIA; and photographs were submitted.

Decision

This Authority has made a careful study of the material 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 6.5 foot by 20.5 foot two-story addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance, nor will it create additional nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the two-story addition, subject to construction in accordance with the submitted drawings, and maintenance of a 19.6 foot setback from the left front corner of the addition; and with the further condition that a revised plot plan showing the actual setback of the left rear corner of the existing dwelling be submitted to the office of the Board of Appeals prior to the issuance of any building permit.

Subsequent to compliance with the above condition, 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.

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19 Avon Road

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

Kendall P. Bates

Kendall P. Bates, Acting Chairman

William E. Polletta

William E. Polletta

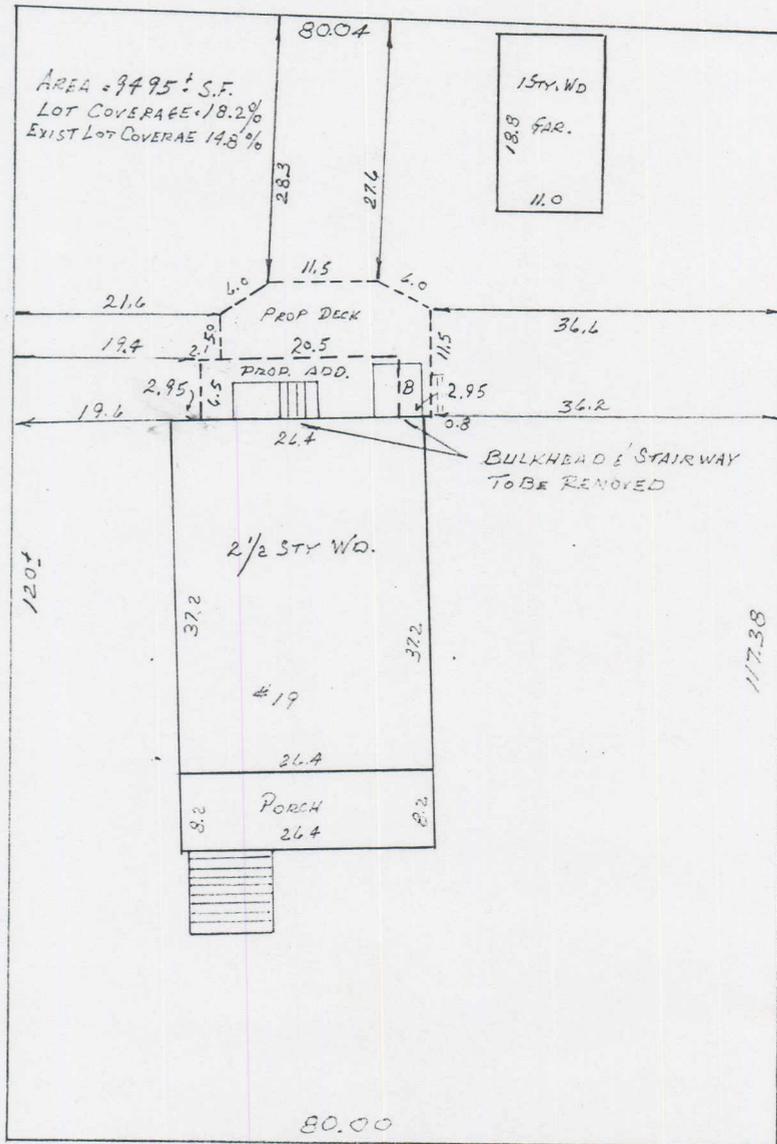
Robert A. Bastille

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AVON ROAD

PLAN OF LAND  
IN  
WELLESLEY MASS,



*Paul J. Sawtelle*

REVISED JULY, 17, 1998

SCALE 1" = 20'  
JULY, 9, 1998  
MASS BAY SURVEY INC. NEWTON, MASS.