TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 98-91
Petition of Peter A. and Nancy J. Bailey
23 Pine Plain Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 22, 1998 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of PETER A. AND NANCY J. BAILEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their existing nonconforming 18 foot by 16 foot one-story detached garage, and construction of a new 22 foot by 20.8 foot two-car garage, with less than the required right side yard setback, with a connection to their existing conforming dwelling at 23 PINE PLAIN ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 5, 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 Peter and Nancy Bailey. Mr. Bailey said that their garage was designed for two cars because it has structural supports in the middle, but they cannot park one car in it because it is not deep enough. They would like to tear the garage down and build a new one. While this is being done, they would like to build a small conforming addition which will connect the kitchen to the garage. The new garage will be larger, but not closer to the right side line.

The Board noted that the Planning Board opposed the granting of the petition because it was of the opinion that the garage could be sited elsewhere on the lot.

Mr. Bailey said that they had tried several different designs, none of which really worked. He added that his right side abutter had no problem with the petition.

The Board stated that many of the homes in the neighborhood were in conflict with zoning as to setbacks, as they were built long ago, and that the proposed garage would not be detrimental to the neighborhood, but an improvement.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 23 Pine Plain Road, in a Single Residence District, on a 10,000 square foot lot. The lot contains a conforming 2 and 1/2 story dwelling and a nonconforming 16 foot by 18 foot detached garage with a minimum right side yard clearance of 4.3 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of the existing nonconforming garage and construction of a new 22 foot by 20.8 foot garage with a minimum right side yard clearance of 5 feet, connected to the house by a 12 foot by 11.83 foot conforming addition, will not be substantially more detrimental to the neighborhood than the existing nonconforming detached structure.

A Plot Plan dated September 30, 1998, drawn by Stephen P. DesRoche, Registered Professional Land Surveyor; Floor Plans and Elevations dated July 21, 1998, drawn by Shannon Taylor Scarlett, Architects; and photographs were submitted.

On October 13, 1998, the Planning Board reviewed the petition and opposed the granting of the Special Permit/Finding. The Board believed that there is space elsewhere on the lot for the proposed project.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject garage 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 demolition of the existing nonconforming garage and construction of the new attached two-car 22 foot by 20.8 foot garage, with a minimum right side yard clearance of 5 feet 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 new nonconformity as it is less nonconforming than the existing structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, subject to construction 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.

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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

John A. Donovan, Jr., Chairman

Kendall P. Bates

William E. Polletta

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