

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

1999 JUL -8 A 10:09

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(781) 431-1019 EXT. 208

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ZBA 99-48

Petition of Christopher J. and Laurie F. Doyle
58 Colburn Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 24, 1999 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 CHRISTOPHER J. AND LAURIE F. DOYLE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of 7.5 feet at the rear end and 17 feet at the front end of their detached nonconforming shed with less than the required right side yard setback, and construction of a 15 foot by 10.3 foot addition at the front end of said shed, at their property at 58 COLBURN ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 7, 1999, 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 Laurie Doyle, who said that they would like to improve and existing outbuilding about 58 feet long, which has a center portion and two ends which are in disrepair. They would like to remove the 7.5 foot rear portion and reconstruct 15 feet of the 17 feet on the front end.

The Board questioned the use of the shed. Mrs. Doyle said that the end pieces are used for storage, while the center portion is a work space/studio area. In the past, it had been used for living space, but they have not used it for that purpose. The center portion has plumbing and electricity. The Board stated that it is always concerned that detached structures might be used as additional living space.

The Board asked if the reconstructed portion would remain a shed for storage, and would not be habitable space. Mrs. Doyle said that was correct. The Board stated that the Special Permit would contain conditions that the rebuilt portion of the shed have no plumbing connection of any type, and that it shall never be used for habitation.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 58 Colburn Road, in a Single Residence District, on a 43,360 square foot lot which contains a main dwelling unit, a detached garage, a second dwelling unit and the subject detached 55.98 shed, which has a minimum right side yard setback of 7.9 feet from the right front corner.

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The petitioners are requesting a Special Permit/Finding that the demolition of 7.5 feet at the rear end and 17 feet at the front end of the structure, and reconstruction of a 15 foot by 10.3 foot addition at the front end, which will have a minimum right side yard clearance of 8.2 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated May 25, 1999, drawn by James J. Abely, Professional Land Surveyor; Existing and Proposed Elevations; and photographs were submitted.

On June 22, 1999, 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 detached shed 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 7.5 foot rear portion and 17 foot front portion of the shed; and construction of a 15 foot by 10.3 addition to the front portion of the shed, will not be substantially more detrimental to the neighborhood as the intensity of the nonconforming structure will be reduced by an area of 97.8 square feet, and the encroachment on the right side lot line will be reduced by .3 foot.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for the demolition of the rear and front portions of the shed and reconstruction of a 15 foot by 10.3 foot addition to the front portion of the shed in accordance with the submitted plot plan and construction drawings, and further subject to the following conditions:

1. No plumbing of any type shall ever be installed or connected in the 15 foot by 10.3 portion of the shed.
2. Said 15 foot by 10.3 foot portion of the shed shall never be used as habitable space.

The Inspector of Buildings is hereby authorized to issue a permit for demolition and construction upon receipt and approval of a demolition application and subsequently, 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
edg Inspector of Buildings

Kendall P. Bates, Chairman

Richard L. Seegel

Cynthia S. Hibbard

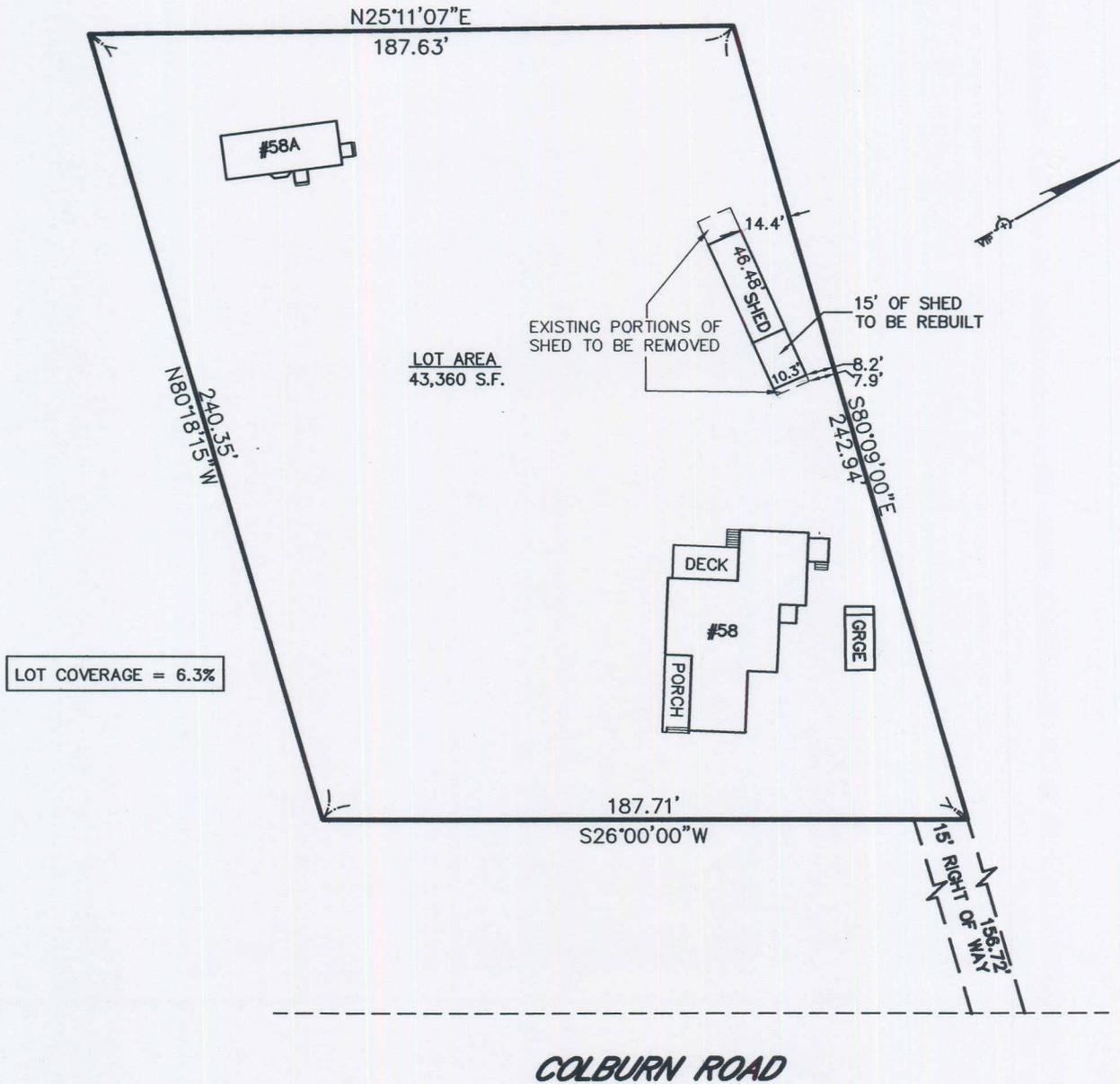
PLOT PLAN

PROPERTY ADDRESS: 58 COLBURN STREET, WELLESLEY

SCALE: 1 IN.=50 FT.

DATE: MAY 25, 1999

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VTP ASSOCIATES, INC.
Surveyors - Civil Engr's.
958 WATERTOWN STREET
WEST NEWTON, MA 02165
TEL. (617) 332-8271
FAX. (617) 969-2330

