

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

1999 DEC -1 A 8:13

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ZBA 99-85

Petition of Stephen M. and Wendy A. Miklus
24 Brookfield Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 16, 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 STEPHEN M. AND WENDY A. MIKLUS requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow demolition of their existing nonconforming garage and construction of a two-story 16 foot by 22 foot addition with garage under and living space above, which will have less than the required front setback from WILDE ROAD, at their nonconforming dwelling with less than the required front setback from WILDE ROAD, at 24 BROOKFIELD ROAD, in a Single Residence District.

On November 1, 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 Stephen Miklus, who said they would like to demolish their existing garage, which is too small to house a car and anything else at the same time. They would like to expand the garage space to make it more usable, and add a bedroom and bath above the garage. The lot is a corner lot. The existing house is 26.7 feet from Wilde Road. The addition would be moved forward slightly to minimize the nonconforming setback which would be 25.3 feet, or an increased encroachment of 1.4 feet.

The Board commented that the lot has an odd shape, with frontage on two streets, which adds to the problem. The Board noted that the Planning Board had no comment on the petition.

The petitioners submitted a Negative Determination of Applicability with conditions which had just been signed by the Wetlands Protection Committee. The Board stated that the conditions would be included in its decision.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 24 Brookfield Street and Wilde Road in a Single Residence District, on a 9,595 square foot lot, with a minimum front yard clearance of 26.7 feet from Wilde Road.

The petitioners are seeking a variance to demolish an existing nonconforming garage with a minimum front yard clearance of 26.7 feet from Wilde Road, and construct a two-story 16 foot by 22 foot addition, which would have a minimum front yard clearance of 25.3 feet from Wilde Road.

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A plot plan dated October 21, 1999, drawn by Bruce Bradford, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 9/27/99, drawn by Shannon Taylor Scarlett, Architects; and photographs were submitted.

On November 3, 1999, the Planning Board reviewed the petition and had no comment on the proposal.

On November 18, 1999, the Wetlands Protection Committee issued a Negative Determination of Applicability with conditions for the project.

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.

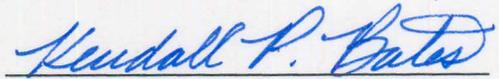
It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted, as voted unanimously by this Authority at the Public Hearing, to demolish their existing nonconforming garage and construct a 16 foot by 22 foot two-story addition subject to construction in accordance with the submitted plot plan and construction drawings, and subject further to all the conditions listed in the Negative Determination of Applicability issued by the Wetlands Protection Committee on November 18, 1999.

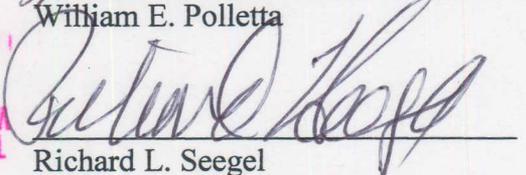
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If the rights authorized by this variance are not exercised within one year from the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.


Kendall P. Bates, Chairman


William E. Polletta

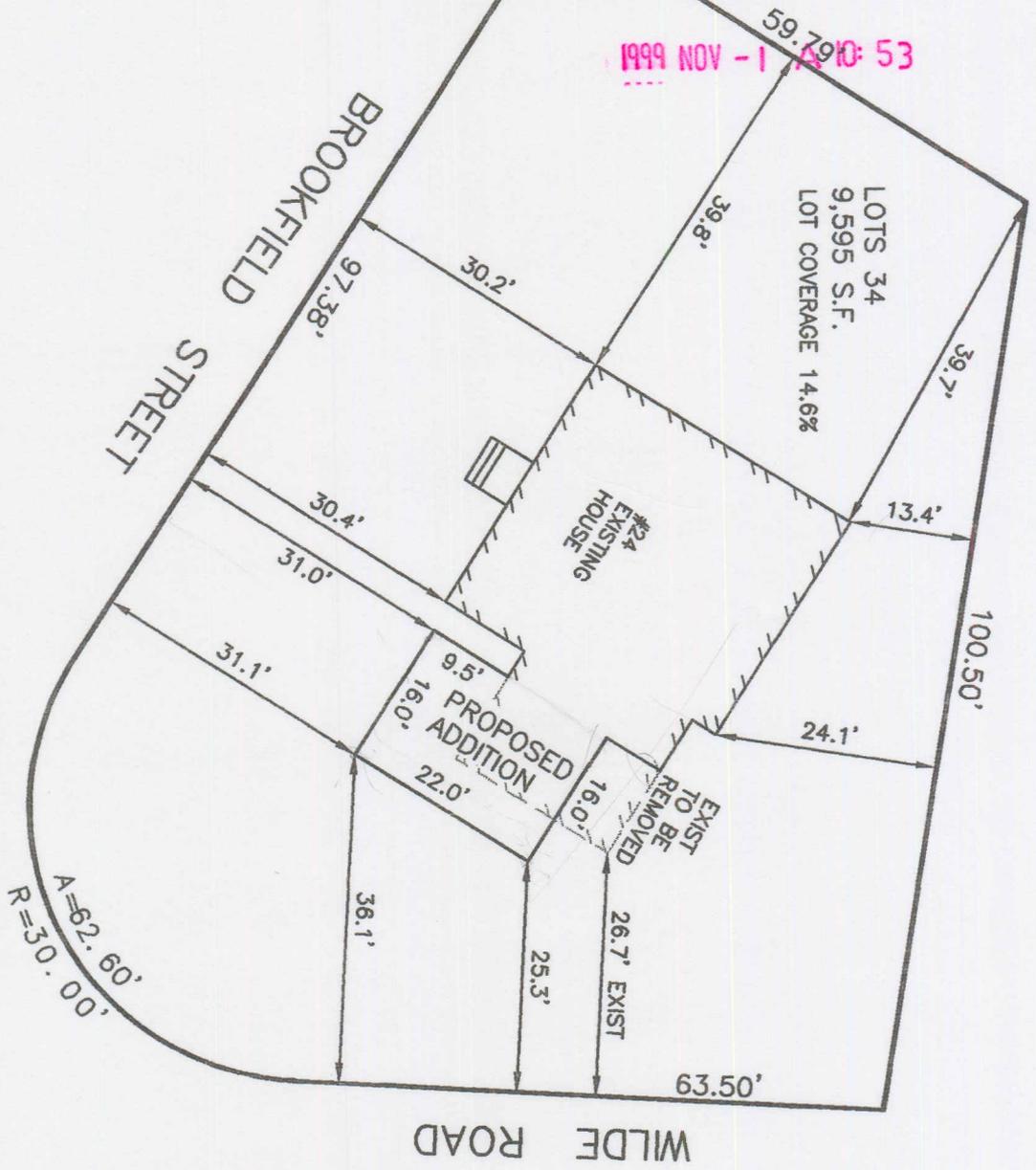

Richard L. Seegel

Cc: Planning Board
Inspector of Buildings
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PLAN OF LAND
IN
WELLESLEY, MA.
24 BROOKFIELD ROAD
SCALE 1 IN. = 20 FT
OCTOBER 21, 1999



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