

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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170 MAR 16 A 10:43

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ZBA 98-13

Petition of Michael J. and Debra N. Young
66 Windsor Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 26, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHAEL J. AND DEBRA N. YOUNG 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 detached garage and shed, and construction of a 22 foot by 28 foot detached two-car garage, with less than the required right side yard setback, at their premises at 66 WINDSOR ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures.

On February 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 was Michael Young, who said that their current 18 foot by 18 foot garage is in disrepair and cannot contain their car. They would like to demolish the existing garage and shed, and, maintaining the same setback of 12.8 feet from the right side line, move the garage back a little and increase the size. They had considered moving it to 20 feet from the right side line, but the house abuts Centennial Park, and relocation of the garage would cut off their view of the park.

The Board asked whether the view would be blocked, if the garage was moved an additional 13 feet into the yard, and noted that the Planning Board had recommended maintaining the required 20 foot setback. Mr. Young replied that there is a box bay window in their family room at the rear of the house. Using the submitted photographs, he demonstrated the problem.

The Acting Chairman said that he had done a site visit and felt that the configuration of the driveway was presently extremely awkward, and would be worse if the garage was to be relocated to a conforming site. He stated that the proposed garage will not encroach on the side line any further than the existing garage.

No other person present had any comment on the petition.

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Statement of Facts

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The subject detached nonconforming garage is located on a 15,208 square foot lot at 66 Windsor Road, in a Single Residence District, and has a minimum right side yard clearance of 10.7 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of said garage and a detached shed, and construction of a 22 foot by 28 foot detached two-car garage, with a minimum right side yard clearance of 12.8 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures.

A Plot Plan dated May 6, 1997, revised January 17, 1998, drawn by James R. Keenan, Professional Land Surveyor; Floor Plans and Elevations; and photographs were submitted.

On January 15, 1998, the Conservation Administrator visited the subject property, and determined that the proposed work described on the submitted Plot Plan is not subject to the wetlands protection act.

A letter in support of the petition was received from Frank Homeyer, 56 Windsor Road.

On February 10, 1998, the Planning Board reviewed the petition and recommended that the required side yard setback should be maintained. It appears that there is adequate space on the lot to construct a suitable garage consistent with zoning requirements.

Decision

This Authority has made a careful study of the materials submitted and the information provided at the hearing. The proposed detached two-car garage will not comply with the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the demolition of the existing nonconforming detached garage and shed and construction of a 22 foot by 28 foot two-car detached garage with a minimum right side yard clearance of 12.8 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures as the proposed garage will neither intensify the existing nonconformance, nor will it create additional nonconformance as it will be less nonconforming than the existing structures.

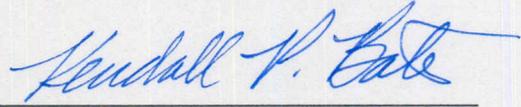
A Special Permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing garage and shed, and construction of the proposed garage in accordance with the submitted plot plan and construction drawings.

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.

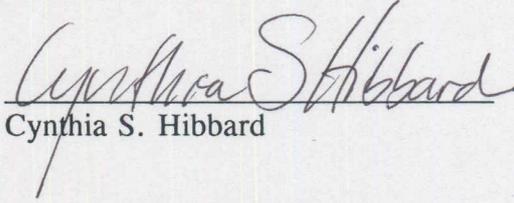
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman



William E. Polletta



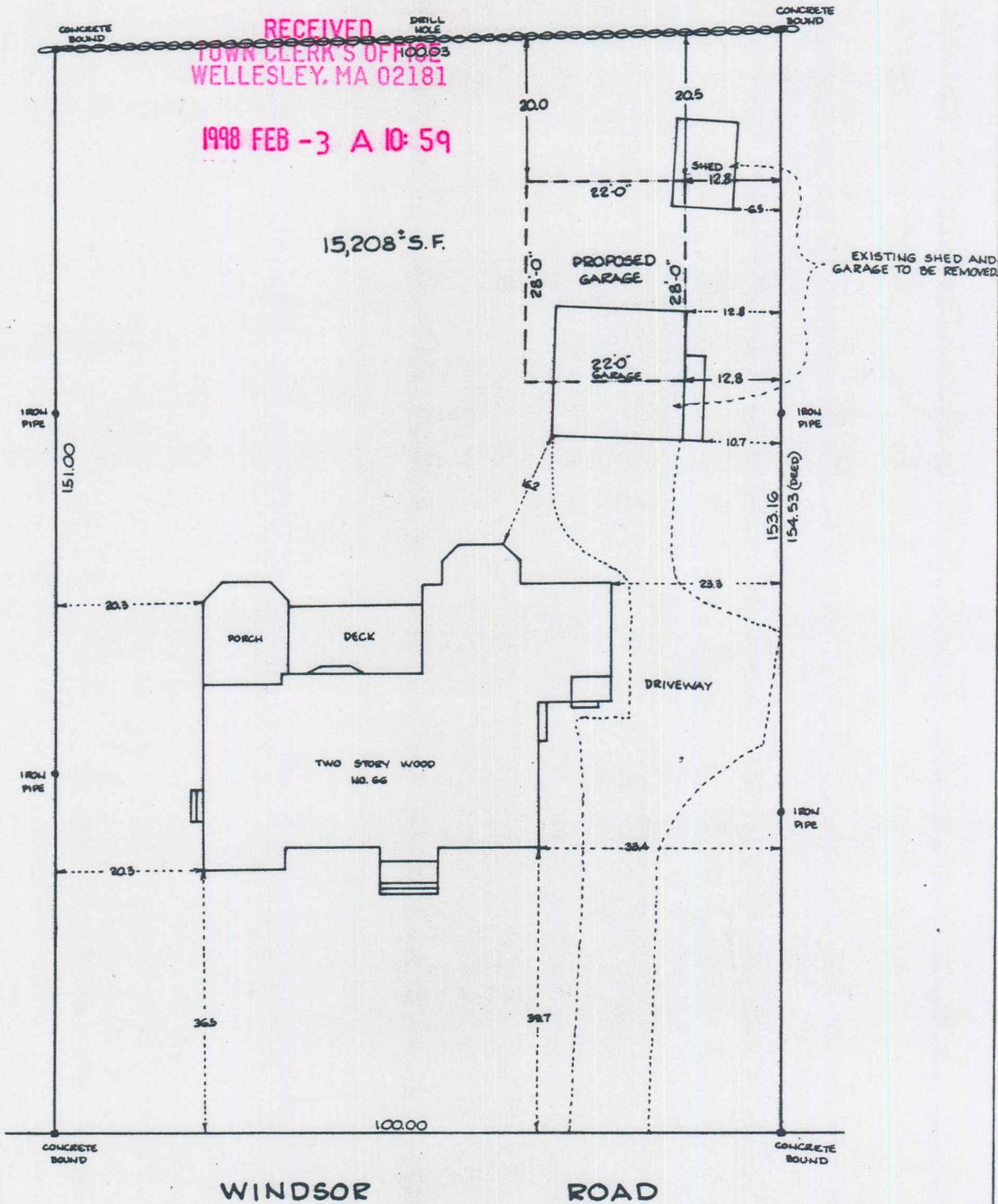
Cynthia S. Hibbard

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15,208[±] S.F.



PLOT
PLAN OF LAND
IN
WELLESLEY, MASS.

LOT COVERAGE = 15.9% EXISTING
" " = 16.9% PROPOSED

SCALE 1 IN. = 10 FT.

MAY 6, 1997

0 10 20 30 40

JAMES R. KEENAN P.L.S.
8 WINCHESTER PL.
WINCHESTER, MASS. 01890



NOTE: THIS PLAN WAS REVISED ON JAN. 17, 1998 TO SHOW THE PROPOSED GARAGE. I CERTIFY THAT THIS PLOT PLAN IS THE RESULT OF AN INSTRUMENT SURVEY.

James R. Keenan
P.L.S.

1-17-98
DATE