

TOWN OF WELLESLEY



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2000 AUG 10 A 11: 28

ZONING BOARD OF APPEALS

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

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ZBA 2000-61
Petition of Charles and Christine Popper
131 Brook Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 27, 2000 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of CHARLES AND CHRISTINE POPPER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 10 foot by 22 foot second story addition above a portion of their nonconforming garage with less than the required left side yard setback, at their nonconforming dwelling will less than the required left side yard setback at 131 BROOK STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On July 10, 2000, 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 Suzanne Kisiday, daughter of Charles and Christine Popper, who lives in the home with her husband and children. Mrs. Kisiday said that at present, her parents own the home, but she and her husband are in the process of purchasing the house from them. They would like to add a bedroom and sitting area above the garage so that, if necessary, they could provide for the future needs of their parents.

The Board commented that the Planning Board had no objection to the petition.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 131 Brook Street, in a Single Residence District, on an 11,735 square foot lot and has a minimum left side yard clearance of 9.45 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 10 foot by 22 foot second story addition, with a minimum left side yard clearance of 9.45 feet, above a portion of their nonconforming garage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

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A Plot Plan dated 9/30/99 drawn by George N. Giunta, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated September 13, 1999, drawn by Olson Lewis & Dioli Architects and Planners, Inc.; and photographs were submitted.

On July 17, 2000, 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 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 construction of a 10 foot by 22 foot second story addition with a minimum left side yard clearance of 9.45 feet shall 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 there will be no change in the footprint.

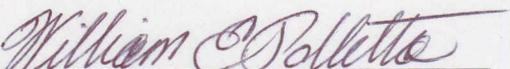
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct the 10 foot by 22 foot second story addition in accordance with the submitted plot plan and construction drawings.

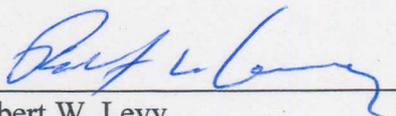
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

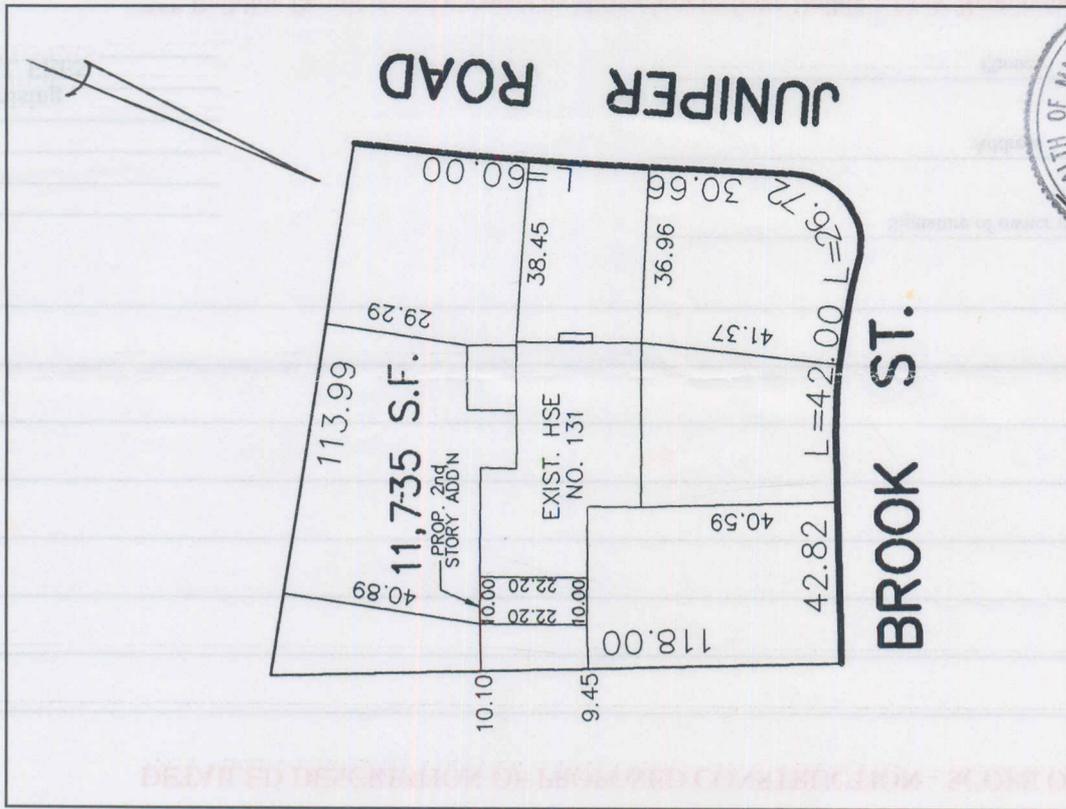
Cc: Planning Board
Inspector of Buildings
edg


Kendall P. Bates, Chairman


William E. Polletta


Robert W. Levy

PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN



9/30/99

DATE

781-444-5936

PHONE

281 WESTMOUNT ST.

ADDRESS

NEEDHAM

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Permit No. _____

APPLICATION
FOR
BUILDING PERMIT

St. and No. _____

Owner _____

Architect _____

Builder _____

Permit Granted

_____ 19____