

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATESELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019 X208WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCKJUL 15 1 52 PM '96  
RECEIVED OFFICE  
TOWN CLERK'S  
WELLESLEY, MA 02181ZBA 96-39  
Petition of Brian Moynihan  
24 Sawyer Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 27, 1996 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 BRIAN MOYNIHAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to his nonconforming dwelling with less than the required right side yard setback at 24 SAWYER ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Raising the ridge line of the existing garage roof 5.5 feet to accommodate a full second story approximately 23.4 feet by 19.5 feet above the garage with the same dimensions and less than the required right side yard setback. There will be no change in the footprint.
2. Replacing the sloped roof over the existing nonconforming 12.3 foot by 8.65 foot storage shed, with less than the required right side yard setback, with a railed deck of the same dimensions. There will be no change in the footprint.

On June 10, 1996, the petitioner 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 Brian Moynihan, who was accompanied by his architect, John Chapman. Mr. Chapman stated that they propose to renovate the existing structure, without changing the footprint, by raising the ridge line of the garage roof 5.5 feet to improve the existing bedroom space above the garage. The storage shed roof will also be replaced in order to create a railed balcony off of the bedroom. In both cases, the footprint will not be changed, nor will the nonconformity be increased.

Mr. Moynihan explained that the fourth bedroom above the garage currently exists. By raising the roof, full bedroom space will be created.

The Board noted that the Planning Board had objected on the grounds that additional living space should not be added so close to the lot line. Obviously, the Planning Board was unaware that the living space currently exists.

ZBA 96-39  
Petition of Brian Moynihan  
24 Sawyer Road

The Board also commented that other homes in the neighborhood have similar additions.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 24 Sawyer Road, in a Single Residence District, on an 18,013 square foot lot, with a minimum right side yard clearance of 10.4 feet.

The petitioner is requesting a Special Permit/Finding to raise the ridge line of the garage roof 5.5 feet to accommodate a second story addition approximately 23.4 feet by 19.5 feet above the garage with the same dimensions and a minimum right side yard clearance of 10.4 feet; and to replace the roof over the existing 8.65 foot by 12.3 foot storage shed, which has a minimum right side yard clearance of 18.6 feet, with a railed deck of the same dimensions. Neither project will change the footprint of the existing structure, or create additional nonconformities.

A Plot Plan dated May 20, 1996, drawn by Robert F. Drake, Registered Professional Land Surveyor; Floor Plans and Elevations dated May 27, 1996, drawn by John Chapman, Architect; and photographs were submitted.

The Planning Board reviewed the petition on June 18, 1996, and voted to recommend denial based on the objection to bringing living space so close to the side lot line.

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 neither the raising of the ridge line of the garage roof to accommodate a full second story, nor the replacement of the storage shed roof with a railed deck will intensify the existing nonconformance or create additional nonconformities as there will be no change in the footprint in either project, and living space above the garage currently exists.

Therefore, the Special Permits are granted, as voted unanimously by this Authority at the Public Hearing, for a full second story above the garage and for a railed deck above the storage shed subject to construction in accordance with the submitted plot plan and construction drawings.

JUL 15 1 52 PM '96  
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MASS 02151

ZBA 96-39  
Petition of Brian Moynihan  
24 Sawyer Road

The Inspector of Buildings is hereby authorized to issue a permit for the 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.

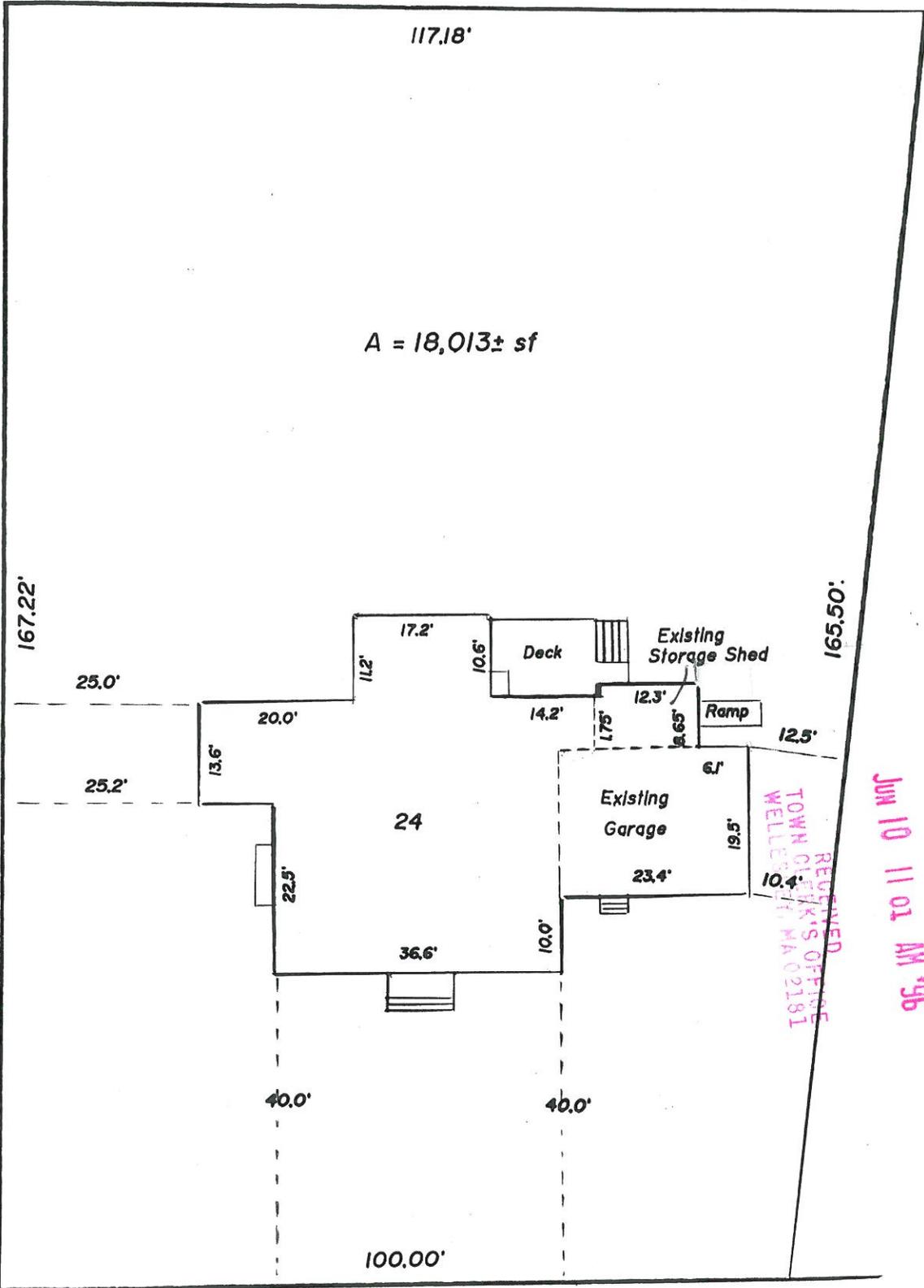
cc: Planning Board  
Inspector of Buildings  
edg

William E. Polletta  
William E. Polletta, Acting Chairman

Robert A. Bastille  
Robert A. Bastille

Sumner H. Babcock  
Sumner H. Babcock

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181  
JUL 15 1 53 PM '96



RECEIVED  
 TOWN CLERK'S OFFICE  
 WELLESLEY, MA 02181  
 JUN 10 11 01 AM '96

LOT COVERAGE 12.7 %

SAWYER ROAD

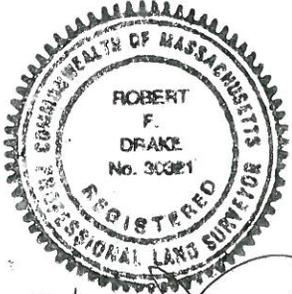
CERTIFIED PLOT PLAN

IN

WELLESLEY MASS

SCALE 1" = 20 FEET

I CERTIFY THAT THE LOT(S) SHOWN ON THIS PLAN AND THE BUILDING(S) SHOWN ON SAID LOT ARE LOCATED ON THE GROUND AS SHOWN HEREON.



DRAKE ASSOCIATES INC.  
 CIVIL ENGINEERS LAND SURVEYORS  
 770 GROVE STREET FRAMINGHAM MASS.  
 (508) 877 - 0848

SIGNED [Signature]  
 DATE MAY 20 1996

[Signature]