

TOWN OF WELLESLEY



MASSACHUSETTS

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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

2000 NOV 14 P 11:07

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ZBA 2000-84
Petition of Leslie Cheek and Charlotte Joslin
47 Garden Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 26, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of LESLIE CHEEK AND CHARLOTTE JOSLIN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 13 foot by 14 foot addition with less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback, at 47 GARDEN ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 6, 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 Leslie Cheek, who said they are planning a two-step process: on the right side, they are expanding an existing conforming structure two feet; on the left side there is an existing garage above which they are expanding an existing room, but behind the garage, they would like to build a two-story addition for which they need the Special Permit.

The Board commented that the addition appears to be accessed from the garage. Mr. Cheek said it will be accessed from below the garage. The property slopes steeply in the rear. One level will be subterranean, while one level will be at the first floor.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 47 Garden Road, in a Single Residence District, on a 14,800 square foot lot, and has a minimum left side yard clearance of 11.06 feet.

The petitioners are requesting a Special Permit/Finding that construction of a 13 foot by 14 foot two-story addition, with a minimum left side yard clearance of 11.06 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated August 21, 2000, drawn by Wayne Carlson, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated September 8, 2000, drawn by John Chapman, Architect, and photographs were submitted.

On October 17, 2000, the Planning Board reviewed the petition and had no objection to the granting of the request as the proposed two-story addition is setback no further from the left side yard line than the existing nonconforming structure.

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.

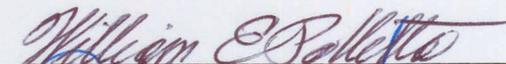
It is the finding of this Authority that the proposed two-story 13 foot by 14 foot addition, with a minimum left side yard clearance of 11.06 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the addition will neither intensify the existing nonconformance, nor will it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the requested addition in accordance with the submitted plot plan and construction drawings.

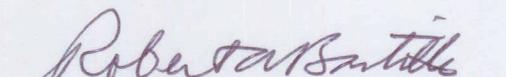
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


William E. Polletta, Acting Chairman


Richard L. Seegel

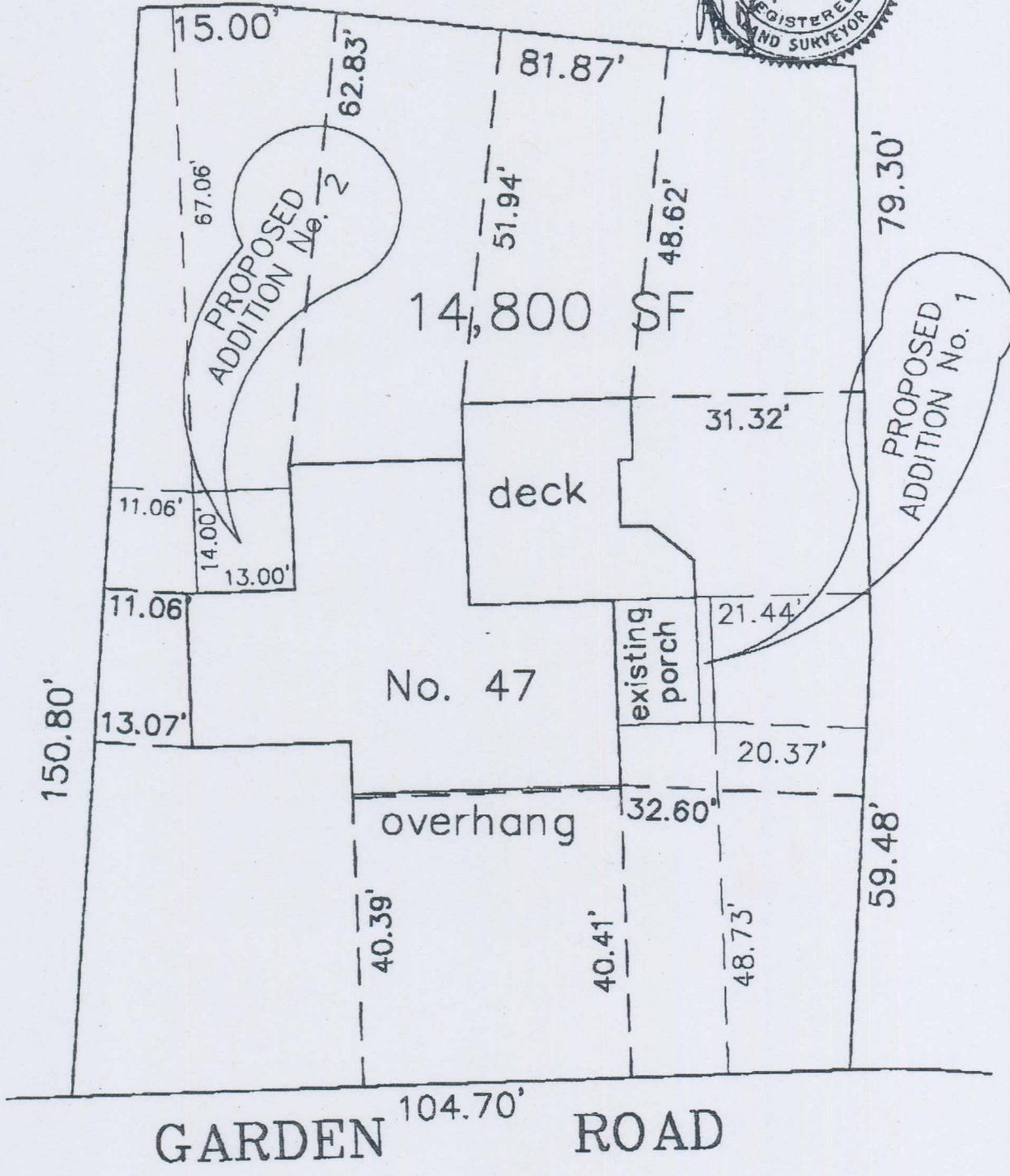
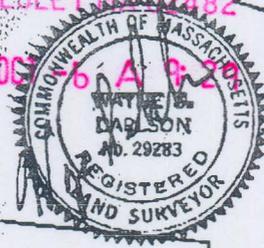

Robert A. Bastille

ZBA PLAN
WELLESLEY- MASS.

SCALE 1" = 20' DATED: AUG. 21, 2000

CARLSON SURVEY COMPANY
840 MAIN ST. SUITE 10B
MILLIS, MASSACHUSETTS 02054-1548

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The lot coverage after both additions is 19.8% on a lot area of 14,800 sf