

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2001 JUL 11 A 8:13

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ZBA 2001-42

Petition of Shellito Nominee Trust, Barbara Shellito, Trustee
12 Orchard Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 28, 2001 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 the SHELLITO NOMINEE TRUST, BARBARA SHELLITO, TRUSTEE, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that raising the ridge line of the roof 4.5 feet above the entire 25 foot by 25 foot nonconforming detached garage, with less than the required right side yard setback, at her premises at 12 ORCHARD 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 11, 2001, 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 Barbara Shellito, who said that her intent is to remove the existing roof and construct a new gabled roof which would be slightly higher than the existing ridge line. The existing roof has a commercial appearance and leads off from the back of the garage in a tempting way for children to climb on it.

The Board asked if there would be any habitable space created. Mrs. Shellito said they may have access through a pull-down stair to use the space for storage, but it will not be habitable.

The Board asked if there was room to access the potential storage area from inside the garage. Mrs. Shellito said it is a 2 ½ car garage, and there should be enough space. There would be only a 6 square foot area in which a person could stand.

The Board noted that the Planning Board had no objection, provided the space is not used as habitable space, and decided to make this a condition in the decision.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 12 Orchard Street, in a Single Residence District, on a 10,800 square foot lot, which contains a conforming dwelling and a nonconforming detached 25 foot square

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garage with a minimum right side yard setback of 7.9 feet.

The petitioner is requesting a Special Permit/Finding that raising the ridgeline of the roof 4.5 feet above the entire garage shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

A Plot Plan dated May 23, 2001, stamped by George N. Giunta, Registered Land Surveyor; Existing and Proposed Elevations dated May 21, 2001, drawn by Eric Johnson; and photographs were submitted.

On June 19, 2001, the Planning Board reviewed the petition and had no objection to the granting of the request provided the space over the garage is not used as habitable space.

Decision

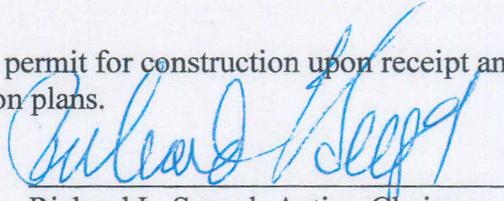
This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject garage does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the raising of the ridgeline of the detached nonconforming garage roof 4.5 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 raise the ridgeline of the garage roof 4.5 feet in accordance with the submitted plot plan and construction drawings, and further subject to the condition that the addition space created shall never be used as habitable space.

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.

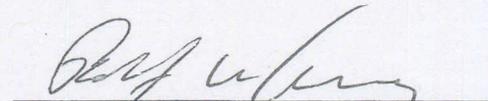
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Acting Chairman

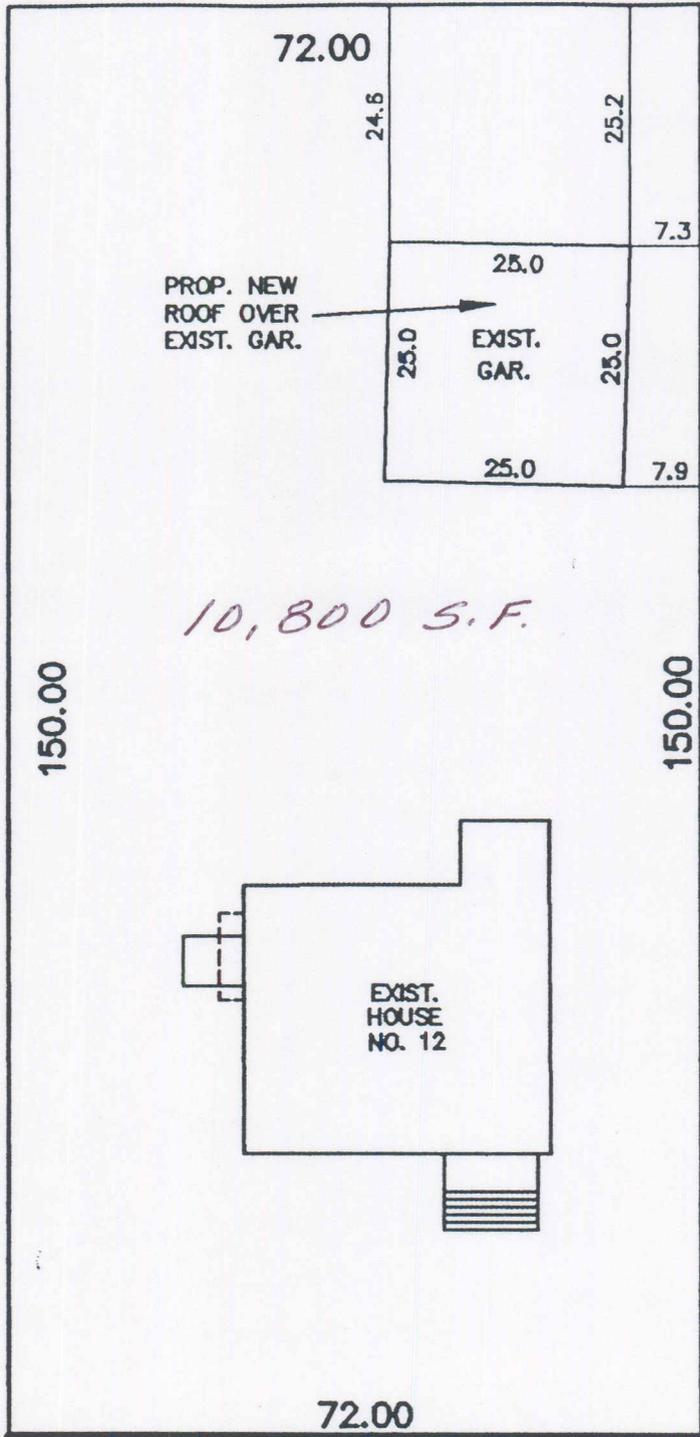
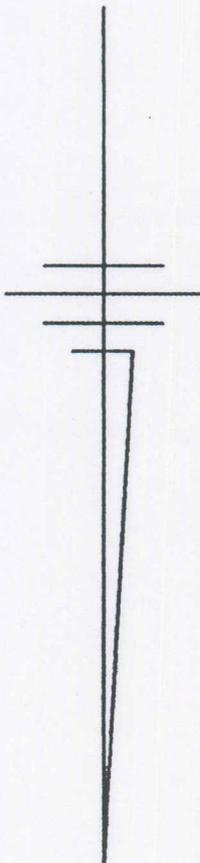


Robert A. Bastille



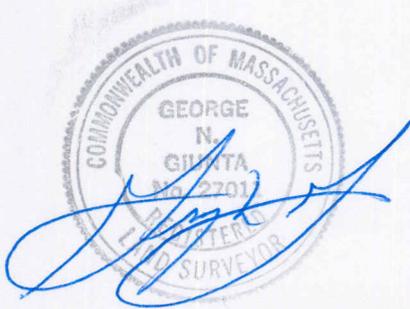
Robert W. Levy

Cc: Planning Board
Inspector of Buildings



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2001 JUN 11 A 9:18

LOT COV.=15.52%



ORCHARD ST.
PLOT PLAN OF LAND
WELLESLEY, MASS.
 MAY 23, 2001 SCALE 1"=20'
 NEEDHAM SURVEY ASSOCIATES, INC.
 281 CHESTNUT ST.
 NEEDHAM, MA. 02492
 OWNER: BARBARA SHELLITO