

TOWN OF WELLESLEY



MASSACHUSETTS

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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

2002 JUL 12 A 8:30

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ZBA 2002-57

Petition of Richard and Bonnie Jelinek
11 Brookfield Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 27, 2002 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 RICHARD AND BONNIE JELINEK requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the reconstruction of a 3.7 foot by 18.3 foot portion of their nonconforming garage with less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback at 11 BROOKFIELD ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 10, 2002, 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 were Richard and Bonnie Jelinek. Mrs. Jelinek said their nonconforming garage was taken down due to miscommunication between their architect and their contractor. They would like to reconstruct the nonconforming portion of the garage in the same location and with the same dimensions as the part that was taken down in error.

The Board noted that the plans show a second story addition above the nonconforming garage. Mrs. Jelinek said the second story had been purposely set back 20 feet from the right side line to be conforming.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 11 Brookfield Road, in a 10,000 square foot Single Residence District, on a 19,196 square foot lot, and has a minimum right side yard setback of 14.2 feet.

The petitioners are requesting a Special Permit/Finding that the reconstruction of a 3.7 foot by 18.3 foot portion of their nonconforming garage with a minimum right side yard clearance of 16.8 feet, which was taken down in error, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated May 31, 2002, rev. June 18, 2002, stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated May 31, 2002, drawn by Streibert Associates; and photographs were submitted.

A letter in support of the petition was received from Ben and Janet Howe, 5 Brookfield Road.

On June 18, 2002, the Planning Board reviewed the petition. The concerns of the Board were relevant to the May 31, 2002 plot plan, but resolved by the changes in the revised plot plan.

Decision

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

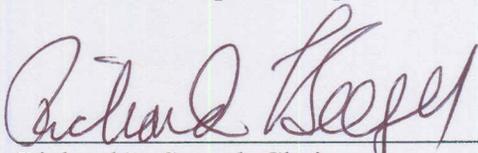
It is the finding of this Authority that the reconstruction of the 3.7 foot by 18.3 foot portion of the nonconforming garage shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the reconstruction shall neither intensify the existing nonconformance, nor shall it create new nonconformity as there shall be no change in the footprint.

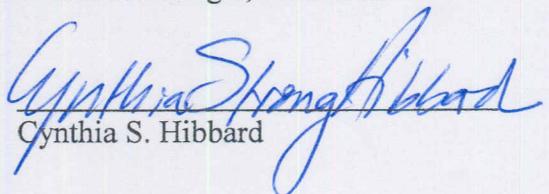
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the reconstruction of the 3.7 foot by 18.3 foot portion of said garage in accordance with the submitted revised plot plan and construction drawings.

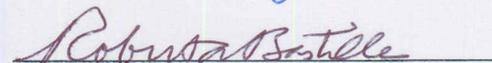
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Richard L. Seegel, Chairman


Cynthia S. Hibbard


Robert A. Bastille

ZBA 2002-57

PLAN OF LAND IN WELLESLEY, MA.

11 BROOKFIELD ROAD PROPOSED ADDITIONS

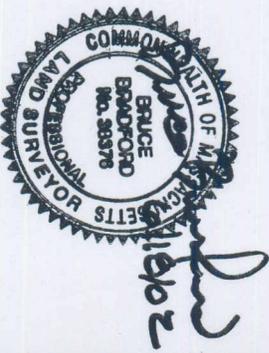
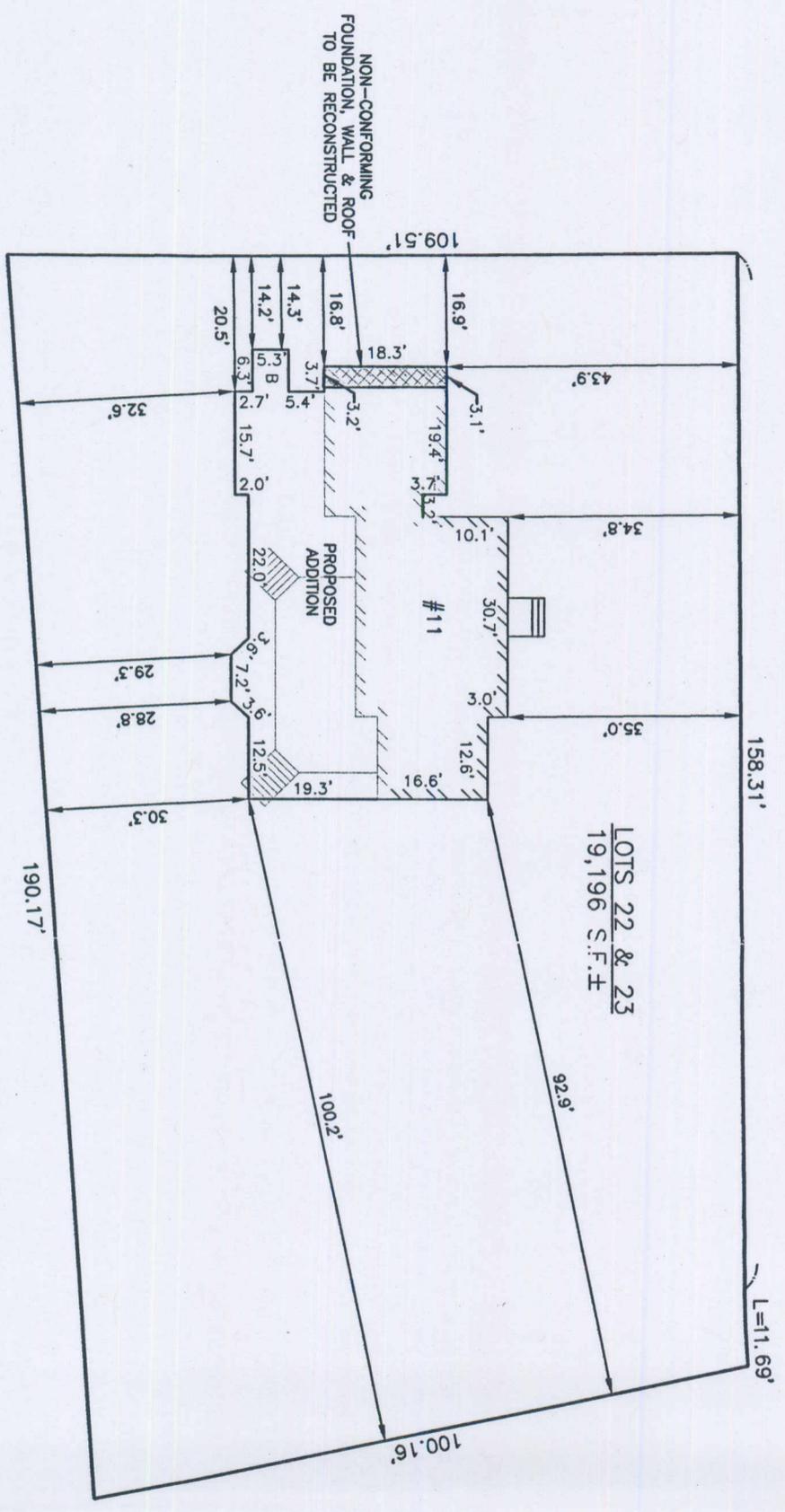
PREPARED FOR: RICHARD & BONNIE JELINEK

SCALE 1 IN. = 20 FT
MAY 31, 2002
REV: JUNE 18, 2002

STRUCTURES 2,433 S.F.
LOT COVERAGE 12.7%



BROOKFIELD ROAD



2002 JUN 24 A 4 25
TOWN CLERK'S OFFICE
WELLESLEY, MA 02482

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