

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2002-99

Petition of Vincent L. and Madelene Montali
50 Oak Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 7, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of VINCENT L. AND MADELENE MONTALI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 12 foot by 24 foot addition to their existing nonconforming detached garage with less than the required left side yard setback, on their property at 50 OAK STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 17, 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 was Vincent Montali, who said they would like to expand their garage. The addition would be longer than the existing garage. Three walls of the existing garage will remain, although the roof line will change. The new roof will have a higher ridge line in order to cover the addition.

The Board noted that the Planning Board had no objection to the request.

Harry Zani, the right side abutter at 52 Oak Street, questioned the setback from the right side property line. The Board explained that currently it is 40.5 feet. It would be 28.5 feet with the new addition., which is conforming. The issue is that the left side of the existing garage is 8.6 feet from the left side line.

The Board expressed concern that the enlarged garage could be used for living space, and decided to include conditions that it never be used for this purpose, and that no sewer connection ever be made to the garage.

Statement of Facts

The subject property is located at 50 Oak Street, in a Single Residence District, on a 16,966 square foot lot, which contains a dwelling unit and a detached garage with a minimum left side yard clearance of 8.6 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 12 foot by 24 foot addition to the nonconforming garage, which would have a minimum left side yard clearance of 19.5 feet,

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shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated September 24, 2002, drawn by George N. Giunta, Registered Land Surveyor, an existing and proposed floor plan and proposed elevation drawings dated 9/30.02, drawn by Wellesley Design Service; and photographs were submitted.

On October 22, 2002, the Planning Board reviewed the petition and had no objection to the granting of a Special Permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The existing 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 proposed construction of the 12 foot by 24 foot garage addition with a minimum left side yard clearance of 19.5 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.

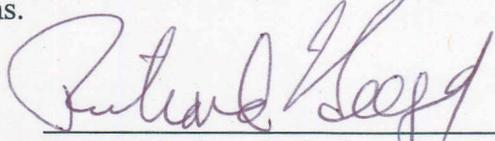
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct the 12 foot by 24 foot garage addition in accordance with the submitted plot plan and construction drawings, subject to the following conditions:

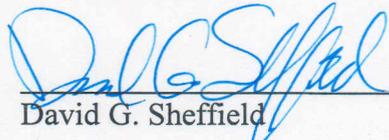
1. The enlarged garage shall never be used for living space.
2. No sewer connection shall ever be made to the enlarged garage.

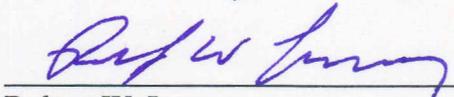
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

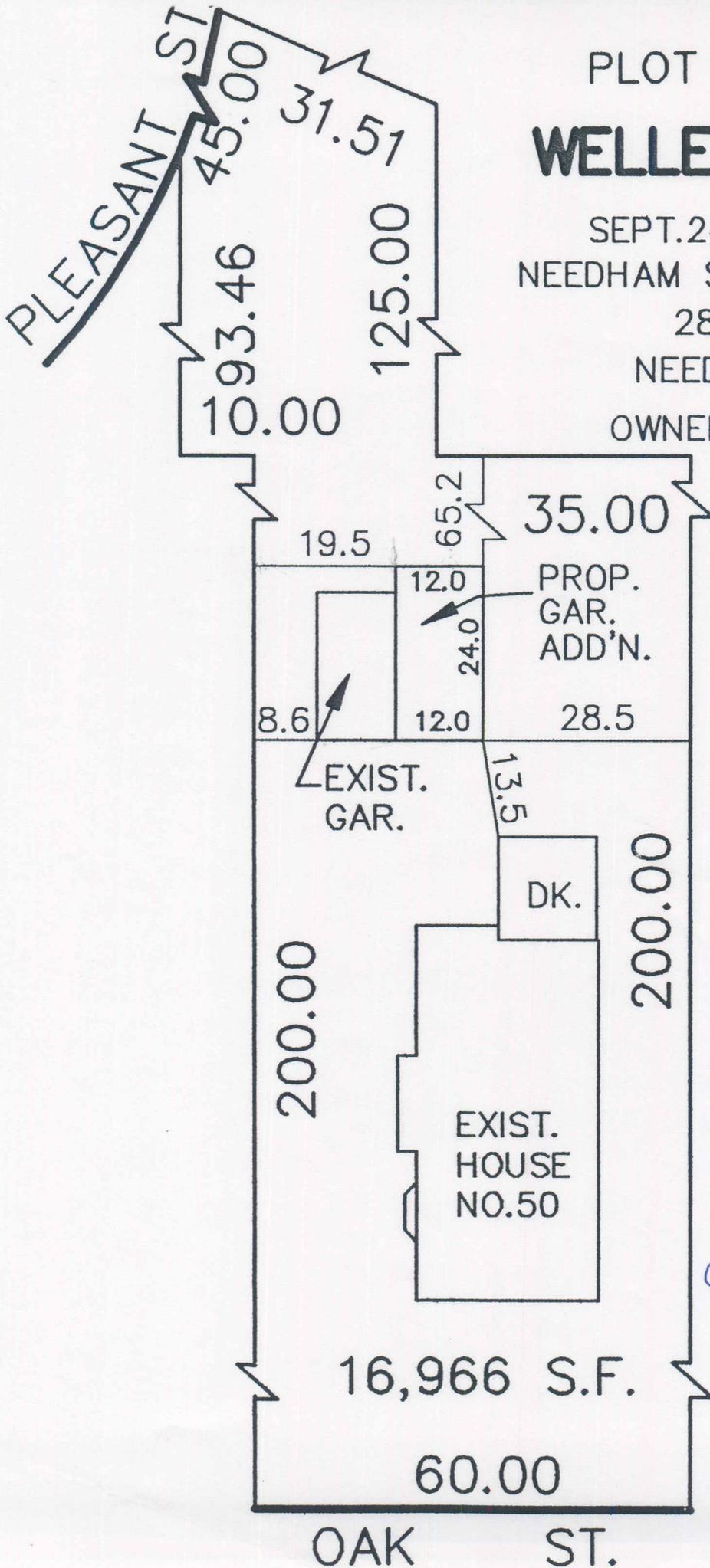

David G. Sheffield


Robert W. Levy

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PLOT PLAN OF LAND
WELLESLEY, MASS.

SEPT.24,2002 SCALE 1"=20'
NEEDHAM SURVEY ASSOCIATES, INC
281 CHESTNUT ST.
NEEDHAM, MA. 02492
OWNER: VINCENT MONTALI



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EX. LOT COV.=10.18%
PROP. LOT COV.=11.88%