



ZONING BOARD OF APPEALS

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

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ZBA 2003-10
 Petition of Adam and Glynis Gould
 17 Belair Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 16, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley on the petition of ADAM AND GLYNIS GOULD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required front setbacks from both BELAIR ROAD and BIRCH ROAD, and at their nonconforming detached garage with less than the required front setback from BIRCH ROAD and less than the required rear yard setback, at 17 BELAIR ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A 4.1 foot by 4.1 foot enclosure of a portion of the existing nonconforming deck with less than the required front setback from Birch Road, for use as a closet.
2. Enlargement of the detached garage from 16.3 foot by 10.2 feet to 20.3 feet by 12.2 feet with less than the required front setback from Birch Road and less than the required rear yard setback.

On December 23, 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 Adam Gould.

The Board commented that the existing front elevation drawing shows the garage dimension as 12.2 feet rather than 10.2 feet. The submitted plot plan and Proposed Elevation drawing are correct.

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

No other person present had any comment on the petition.

Statement of Facts

The subject property is a corner lot located at 17 Belair Road and Birch Road, on a 7,500 square foot lot in a 10,000 square foot Single Residence District. The property contains a nonconforming dwelling with a minimum front setback of 29.5 feet from Belair Road and a minimum front setback of 11.4 feet from Birch Road; and a nonconforming detached garage with a minimum front setback of 11.6 feet from Birch Road and a minimum rear yard setback of 9.9 feet.

The petitioners are requesting a Special Permit/Finding that the following construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Enclosure of a 4.1 foot by 4.1 foot portion of the existing nonconforming deck with a minimum front yard setback of 11.4 feet from Birch Road. There would be no change in the footprint.
2. Enlargement of the nonconforming detached garage from 16.3 feet by 10.2 feet to 20.3 feet by 12.2 feet with a minimum front yard setback of 11.6 feet from Birch Road and a minimum rear setback of 9.9 feet.

A Plot Plan dated December 31, 2001, rev. January 8, 2002, rev. December 31, 2002, stamped by Frank Iebba, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated December 9, 2002, drawn by Universal Architects Incorporated; and photographs were submitted.

On January 7, 2003, the Planning Board reviewed the petition and had no objection to granting the request.

Decision

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

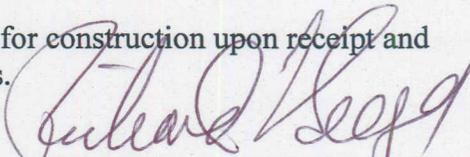
It is the finding of this Authority that the neither the proposed enclosure of a portion of the nonconforming deck, nor the enlargement of the nonconforming garage shall be substantially more detrimental to the neighborhood than the existing nonconforming structures, as neither the porch enclosure nor the garage expansion shall intensify the existing nonconformance or create new nonconformity.

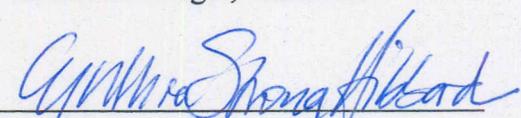
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the enclosure of a portion of the nonconforming porch and enlargement of the nonconforming garage in accordance with the submitted plot plan and construction drawings.

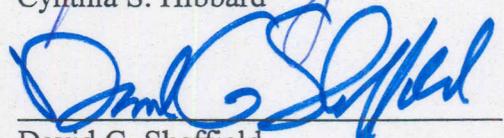
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Richard L. Seegel, Chairman


Cynthia S. Hibbard


David G. Sheffield

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BIRCH ROAD

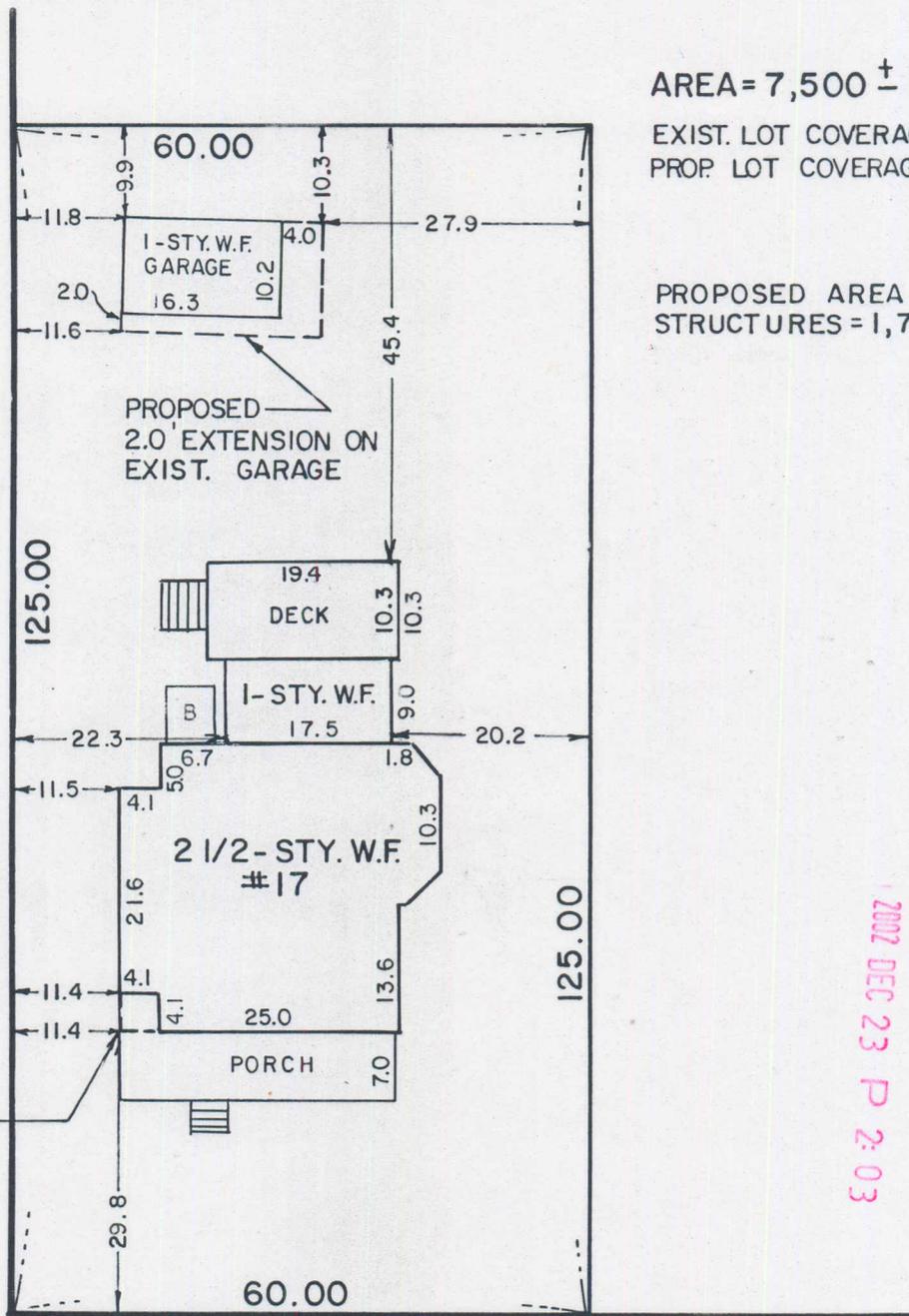
BELAIR ROAD

AREA = 7,500 ± S.F.

EXIST. LOT COVERAGE = 22.1 %
PROP. LOT COVERAGE = 23.4 %

PROPOSED AREA OF
STRUCTURES = 1,756 ± S.F.

PROPOSED
4.1 x 4.1
ADDITION



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617-965-3975
781-553-0299

PLAN OF LAND
IN

WELLESLEY, MASS.

SCALE : 1" = 20'
MASS BAY SURVEY, INC.

DEC. 31, 2001
NEWTON, MASS.
REVISED - JAN. 08, 2002
DEC. 03, 2002