

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2005-73

Petition of Shahnaz and Joel Montague
24 Maugus Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 6, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of SHAHNAZ AND JOEL MONTAGUE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 11.5 foot by 21.7 foot second story addition over an existing nonconforming structure, with less than required rear yard setback, at 24 MAUGUS AVENUE, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 19, 2005, 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 Joel Montague who said that they would like to extend a bedroom on top of an existing nonconforming structure. He said that the addition will not go any further into the setback than the existing structure. Mr. Montague submitted a photograph of the area of the rear of the house where the construction will take place.

The Board said that it looked like the petitioners were proposing to just fill in a space. Mr. Montague said that was correct. He said that they wanted to fill in that space because the snow comes down from the roof and he has to shovel it off.

The Board asked about the neighbors' view from the back of the house. Mr. Montague said that he had spoken with one neighbor and they had no problem with the plan.

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

The Board asked if the petitioner had the first floor checked to see if it can handle the extra load of the addition. Mr. Montague said that, as far as he knew, that had been checked.

Statement of Facts

The subject property is located at 24 Maugus Avenue, in a 20,000 square foot Single Residence District, with a minimum rear yard setback of 15.97 feet.

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The petitioner is requesting a Special Permit/Finding that construction of an 11.5 foot by 21.7 foot second story addition over an existing nonconforming structure with a minimum rear yard setback of 15.97 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/15/05, stamped by William J. Ferro, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/14/05, drawn by DSH Design Group, and photographs were submitted.

On October 4, 2005 the Planning Board reviewed the petition and had no objection to granting the request.

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 although construction of an 11.5 foot by 21.7 foot second story addition over an existing nonconforming structure with a minimum rear yard setback of 15.97 feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of an 11.5 foot by 21.7 foot second story addition over an existing nonconforming structure with a minimum rear yard setback of 15.97 feet.

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.

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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.

Cynthia S. Hibbard, Acting Chairman

Robert A. Bastille

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm