

**ZONING BOARD OF APPEALS**

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ZBA 2006-84  
Petition of Garrison Road 17 Realty Trust  
17 Garrison Road

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Petition of GARRISON ROAD 17 REALTY TRUST requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 10 foot by 18 foot second story addition over an existing nonconforming one-story family room with less than required left side yard setbacks, at 17 GARRISON 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 November 20, 2006, 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 were Steve Burtt (the "Petitioner") and Larry Fitzmaurice ("the Owner"). Mr. Burtt said that they are proposing to add an addition over an existing porch that is nonconforming on the left side only. He said that the house was built in 1939 on a 14,660 square foot lot.

Mr. Burtt said that the left front corner of the existing house has a 15.1 foot left side yard setback. He said that the screened porch at the back was set in further away from the left side lot line than the existing house. The porch had already been enclosed at the time that Mr. Fitzmaurice purchased the house in the early 1970's.

Mr. Burtt said that the original house has one and one-half baths. He said that the purpose of constructing the addition is to add a master bathroom and to change the configuration of the existing bath so that it is not visible from the front door area.

Mr. Fitzmaurice said that the existing room and proposed addition encroaches less than one inch into the left side yard setback.

Mr. Fitzmaurice said that the existing one-story family room has a full foundation beneath it.

Statement of Facts

The subject property is located at 17 Garrison Road, on a 14,660 square foot lot, with a minimum left side yard setback of 15.1 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 10 foot by 18 foot second story addition over an existing nonconforming one-story family room with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 10/25/06, stamped by James P. Troupes, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/13/06, drawn by CDL Design Service, and photograph were submitted.

On November 28, 2006, 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 a 10 foot by 18 foot second story addition over an existing nonconforming one-story family room 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 a 10 foot by 18 foot second story addition, 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.

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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.

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J. Randolph Becker, Acting Chairman

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Robert W. Levy

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Robert C. Sechrest

cc: Planning Board  
Inspector of Buildings  
lrm