

**ZONING BOARD OF APPEALS**

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ZBA 2007-55
Petition of Thomas Wolf
11 Beverly Road

Petition of THOMAS WOLF requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 530.4 square foot one-story addition with less than required left side yard setbacks, on an 8,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 11 BEVERLY ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 2007, 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 Vin Gadoury, who said that he is a contractor who is representing Thomas Wolf (the "Petitioner").

Mr. Gadoury said that the proposed addition will extend the existing nonconforming left side yard setback further back into the rear of the property. He said that Mr. Wolf had been involved in a serious motor vehicle accident and now struggles with stairs. Mr. Wolf would like to have a full bathroom and bedroom on the first floor so that he can continue to live at the residence.

The Board said that jogging the addition in by six inches would break up the continuous plane on the left side elevation.

There was no member of the public present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 11 Beverly Road, on an 8,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 11.93 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 530.4 square foot one-story addition with less than required left side yard setbacks, on an 8,000 square foot lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/28/07, stamped by Francis X. DeSimone, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/25/07, drawn by Vincent J. Gadoury, and photographs were submitted.

On July 30, 2007, the Planning Department reviewed the petition and recommended that the request be denied.

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 530.4 square foot one-story addition with less than required left side yard setbacks 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 530.4 square foot one-story addition with less than required left side yard setbacks, subject to the following conditions:

- The proposed addition shall be set in an additional six inches to the dimensions shown for the left side yard setbacks on the plot plan.
- There shall be no second story constructed on the addition without coming before the Board for a Special Permit.

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.

This Special Permit shall expire two years after the date time stamped on this decision.

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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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm