

**ZONING BOARD OF APPEALS**

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ZBA 2009-54  
Petition of Stephen Harris  
19 Elmwood Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 6, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of STEPHEN HARRIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 6 foot by 7 foot two-story addition and construction of a 12.5 foot by 20.3 foot one-story side-facing garage with less than required side yard setbacks, in a 10,000 square foot Single Residence District, at 19 ELMWOOD ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 20, 2009 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 Stephen Harris (the "Petitioner").

Mr. Harris said that the existing house is a tee-shaped colonial. He said that there are two aspects to the proposal. He said that one part of the proposal will change the footprint of the home and the other will not. He submitted pictures of the home.

Mr. Harris said that the goal is to have a mudroom and to have access from the house to the garage. He said that the proposal is to convert one bay of the garage to the mudroom and to add another bay to the garage.

Mr. Harris said that the 6 foot by 7 foot two-story addition would be for the mudroom on the first floor and a washer and dryer on the second floor.

Mr. Harris said that they had spoken with the neighbors.

The Board asked when the house was constructed. Mr. Harris said that the house was built in the 1930's. He said that the addition was put on in 1998. The Board said that the garage pre-dates the 2002 bylaw for setbacks of side facing garages.

There was no one present at the Public Hearing who wished to speak to the petition.

### Statement of Facts

The subject property is located at 19 Elmwood Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 14.4 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 6 foot by 7 foot two-story addition and construction of a 12.5 foot by 20.3 foot one-story side-facing garage with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/25/09, stamped by Robert F. Drake, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/25/09, prepared by Cabot Building & Design, and photographs were submitted.

### 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 6 foot by 7 foot two-story addition and construction of a 12.5 foot by 20.3 foot one-story side-facing garage with less than required 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 6 foot by 7 foot two-story addition and construction of a 12.5 foot by 20.3 foot one-story side-facing 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.

If construction has not commenced, except for good cause, 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.

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J. Randolph Becker, Acting Chairman

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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
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