

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.govJ. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2009-86

Petition of Caroline & John Barrie
15 Marvin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 10, 2009, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of CAROLINE & JOHN BARRIE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 449 square foot two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setbacks, at 15 MARVIN 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 23, 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 were David Johnson, Architect, and Caroline Barrie (the "Petitioner").

Mr. Johnson said that the proposed renovations are for an addition off of the rear of the property that consists of a six foot expansion of the back of the garage, an eight foot expansion of the current family room, and a mudroom. He said that the calculations are well under the Total Living Area Including Garage (TLAG) threshold. He said that the addition will meet setback, height and lot coverage requirements. He said that the only issue is the existing nonconforming left hand corner of the house. He said that the house was built in 1929.

The Board said that the site is well buffered.

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 15 Marvin Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 18.3 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 449 square foot two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/11/09, stamped by Robert A. Gemma, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/20/09, drawn by Studio Twenty Six, and photographs were submitted.

On December 8, 2009, the Planning Board reviewed the petition and recommended that the petition be approved.

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 construction of a 449 square foot two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for construction of a 449 square foot two-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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2009-86
Petition of Caroline & John Barrie
15 Marvin Road

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 W. Levy

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm