



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

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SUMNER H. BABCOCK

ZBA 91-12

Petition of Albert P. and Katherine N. Mitchell
53 Longfellow Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 28, 1991 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of ALBERT P. AND KATHERINE N. MITCHELL requesting a Finding pursuant to the provisions of Section XVII and Section XXIV-D of the Zoning Bylaw that the structural changes to their pre-existing nonconforming garage, with less than the required right side yard, located at 53 LONGFELLOW ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said changes shall consist of relocating the garage entrance from the left side to the front of the garage, and replacement of an existing garage roof, which would include raising the ridge line of said roof approximately 10 feet.

On February 11, 1991, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Albert and Katherine Mitchell. Mr. Mitchell said that their garage was built about 1915 and has a flat roof which the Mitchells have had to replace three times in the past eight years due to leakage problems. The garage is concrete and built into the side of a hill. The roof is leaking again, and they would like to replace it with a peaked roof. At the same time, they would like to relocate the garage entrance from the side to the front to enable them to drive directly into the garage from the driveway and reduce snow plowing problems in the winter. They also plan to add another bay, which does not require a variance, to attach the garage to the house.

Mrs. Mitchell stated that the pitched roof would provide for dry storage in the garage, as their cellar is damp.

The Board commented that when the garage had been built, it had been allowed to be constructed 6 inches from the lot line because it was non-combustible and detached from the house. The proposed wood frame roof would negate the fireproof criteria and the addition connecting the garage to the house would negate the criteria of detachment.

The Board noted that the relocation of the garage entrance would involve two walls and removal of the earth supporting the walls on either side of the garage, both of which might cause structural problems. Removal of the roof might also destroy the structural integrity of the garage.

No other person present had any comment on the petition.

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Statement of Facts

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The nonconforming detached garage is located at 53 Longfellow Road, in a Single Residence District, on a 43,429 square foot lot. The concrete garage, approximately 21.7 feet by 24 feet, has a minimum right side clearance of 8 inches at the front right corner and 6 inches at the rear right corner. The garage was built around 1915, at which time the Building Code allowed construction of a garage within 6 inches of the lot line if it were non-combustible and detached from the dwelling. In 1981, Town Meeting adopted a change in the definition of "side yard" under Section XIX of the Zoning Bylaw, which rendered the existing garage nonconforming.

The petitioners are requesting a Finding that the proposed structural changes to their pre-existing nonconforming garage, which include relocation of the garage doors from the side to the front, and replacement and raising the ridge line of the existing roof approximately 10 feet, shall not be more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated February 4, 1991, drawn by Joseph R. Sullivan, Registered Professional Engineer; construction drawings and elevations; and photographs were submitted.

The Planning Board, on February 26, 1991, voted to offer no comment on the request.

Decision

This Authority has made a careful study of the evidence submitted. The subject garage is a pre-existing nonconforming structure, as noted in the foregoing Statement of Facts, and therefore, any structural change to said garage would require a Finding, pursuant to Section XVII of the Zoning Bylaw.

It is the opinion of this Authority that the proposed structural changes will not be more detrimental to the neighborhood than the existing nonconforming structure, as the proposed changes do not involve further encroachment on the inadequate side yard, and the height of the proposed roof is in compliance with zoning requirements.

However, as the proposed roof will be of wood frame construction, which will render the garage a combustible structure, this Authority is of the opinion that the following condition be imposed:

1. The proposed replacement of the garage roof with wood frame construction shall meet all State and local building codes and fire safety codes.

Furthermore, this Authority is of the opinion that a second condition shall be imposed:

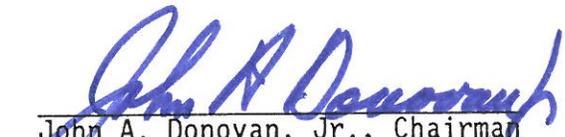
2. If the walls of the existing garage are found to be unsalvagable upon removal of the existing roof, or upon relocation of the garage doors, or upon removal of existing earth support, the petitioners will be required to rebuild any garage replacement in a conforming manner.

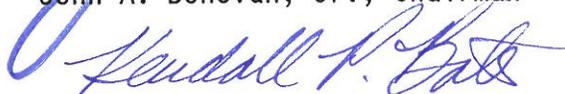
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The Inspector of Buildings is hereby authorized to issue a permit for the construction in conformance with the plot plan and construction drawings submitted and noted in the foregoing Statement of Facts, upon his receipt and approval of a building application and construction plans.

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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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ROBERT W. & JOANNE M.
HUNGATE

LAWRENCE V. & MARY S. LOSURDO

165.10'

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LOT AREA = 43,429 SQ. FT.
 EXISTING HOUSE AREA = 1875 SQ. FT.
 EXISTING GARAGE AREA = 520 SQ. FT.
 TOTAL EXISTING BUILDING AREA = 2395 SQ. FT.
 EXISTING BUILDING COVERAGE = 5.5%
 PROPOSED ADDITION AREA = 450 SQ. FT.
 PROPOSED TOTAL BUILDING AREA = 2845 SQ. FT.
 TOTAL PROPOSED BUILDING COVERAGE = 6.6%

BARBARA P. MANIK

125.5'

262.70'

56.3'

17'-2"

21.7'

263.40'

24.0'

LAWRENCE V. & MARY S. LOSURDO

PROP. ADDITION

24.0'

21.7'

BULK HEAD

9.0'

17.0'

5.0'

5.0'

5.0'

5.0'

5.0'

5.0'

14.7'

15.6'

14.9'

11.0'

8.1'

7.5'

12.8'

12.8'

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ENCLOSED PORCH

EXISTING HOUSE NO. 53

82.3'

165.10'

LONGFELLOW

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY :

SCALE : 1" = 20'

PLAN BY :

MCCARTHY & SULLIVAN ENGINEERING, INC.
5 COMMONWEALTH ROAD

ALBERT P. JR. &
KATHERINE M. MITCHELL
FEBRUARY 4, 1991



REGISTERED

WELLESLEY BOARD OF APPEALS

DATE :