



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 92-23
Petition of Robert and Barbara Carlino
43 Overbrook Drive

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 30, 1992 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 ROBERT AND BARBARA CARLINO requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the extension and structural change to their pre-existing nonconforming structure located at 43 OVERBROOK DRIVE, in a Single Residence District, shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Said change in structure shall consist of raising the ridge line of the existing roof 4.5 feet to allow said roof to match the ridge line of the existing roof on an allowed addition. A portion of the dwelling is nonconforming in regard to the front and left side yard setbacks.

On April 9, 1992, the petitioners requested 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 Robert and Barbara Carlino. Mr. Carlino said that he wishes to add a 4.5 foot mansard roof to his existing house in order to match the roof line on the existing addition. The new roof line will be for no other purpose than to add continuity to the entire structure. The area beneath the roof will consist of framing, and will not be used as living space. The skylights in the existing roof will be covered and insulation added.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 43 Overbrook Drive, in a Single Residence District, on a 13,092 square foot lot, with a minimum front yard clearance of 21.40 feet and a minimum left side yard clearance of 14.01 feet.

In July, 1991, the petitioners appeared before the Board of Appeals requesting a Finding to raise the ridge line of their existing roof 9 feet to accommodate additional attic storage space (ZBA 91-37). The Board found that said expansion of the pre-existing nonconforming structure would be detrimental to the neighborhood as it would result in a massive structure which would not be in keeping with other homes in the neighborhood.

On February 20, 1992, the Board of Appeals heard Mr. Carlino's request for a ruling pursuant to Section XXIV-E 5 of the Zoning Bylaw that his revised proposal for construction contained "specific and material changes in the conditions on which unfavorable action was based". The Board unanimously voted that said changes had been made.

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On March 3, 1992, the Planning Board reviewed the revised proposal pursuant to Section XXIV-E 5 of the Zoning Bylaw and voted (4-0) consent to the new petition being heard by the Board of Appeals.

The petitioners are now requesting a Finding that the raising of the ridge line of the pre-existing nonconforming house no more than 4.5 feet to match the ridge line of an existing addition will not be more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated July 2, 1992, drawn by U.M. Shiavone, Professional Land Surveyor; elevation drawings, and photographs were submitted.

On April 14, 1992, the Planning Board reviewed the petition and voted to offer no objection to the granting of a favorable Finding.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. A Finding is required pursuant to Section XVII of the Zoning Bylaw as the expansion and structural change to the pre-existing nonconforming dwelling will result in an addition to the nonconforming portion of the structure.

This Authority finds that said structural change to consist of raising the ridge line of the existing roof on the nonconforming dwelling no more than 4.5 feet will not be more detrimental to the neighborhood than the existing nonconforming structure as there will be no further encroachment on the front or left side yard setbacks and architectural continuity linking the dwelling and the addition will be achieved. This Authority makes a favorable finding with the condition that the additional area beneath the new ridge line shall never be used for additional living space.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed 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


Kendall P. Bates, Acting Chairman


Robert R. Cunningham


Sumner H. Babcock

Note:

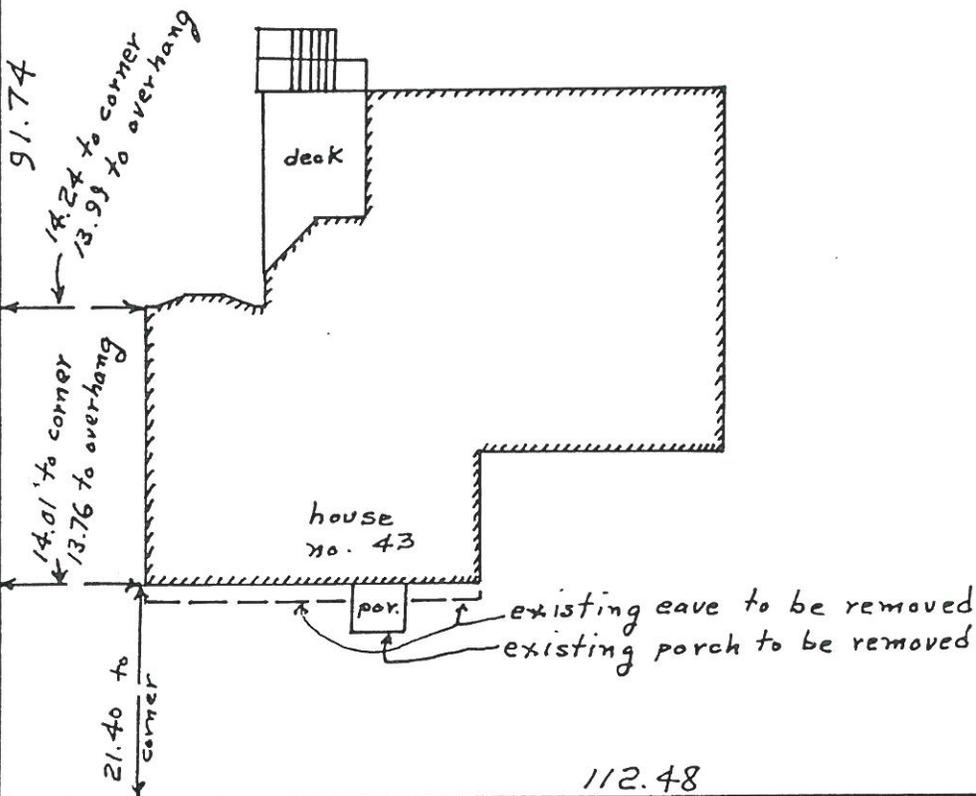
Lot coverage will be
2389± s.f. or 18.25%.

Town of Wellesley
122.82

Lots 380 & 381
13,092 s.f.

Henry J. & Bernice Giovenella

Albert A. & Galina Bertlesen



OVERBROOK DRIVE

PLAN OF LAND
IN

WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
ROBERT A. & BARBARA L. CARLINO
43 OVERBROOK DRIVE
WELLESLEY



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WELLESLEY, MA 02181

APR 9 9 40 AM '92

SCALE 1 IN = 20 FT

U. M. SCHIAVONE

JULY 2, 1991

LAND SURVEYOR