

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATESELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019 X208MAR 12 10 45 AM '93  
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181ZBA 93-16  
Petition of Barbara and Frank Martin  
6 Sawyer Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 25, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of BARBARA AND FRANK MARTIN requesting a Special Permit/Special Permit Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of the following additions to their nonconforming dwelling with less than the required left side yard setback at 6 SAWYER ROAD, in a Single Residence District, would not be substantially more detrimental than the existing nonconforming structure:

1. A one-story garage approximately 24.5 feet by 28.8 feet which would have less than the required left side and front yard setbacks.
2. A family room extension approximately 5.6 feet by 17 feet which would have less than the required left side yard setback.

On February 8, 1993, 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 Barbara and Frank Martin, who were accompanied by their architect, Stan Benulis. Mr. Benulis said that the Martins wanted an attached two-car garage. Rather than destroying the back yard, the only other possible point of connection was on the left side, which violates the side yard setback. The existing garage would be remodeled for use as a family room.

The Board stated that it does not approve of increasing the nonconformity of a property, particularly as there does not appear to be a hardship. The proposed construction would be a gross violation of the setback requirements, which, if granted, would set an undesirable precedent.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 6 Sawyer Road, in a Single Residence District, on a 20,005 square foot lot, and has a minimum left side yard clearance of 19.3 feet.

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The petitioners are requesting a Special Permit Finding that the construction of a one story garage approximately 24.5 feet by 28.8 feet, which would have a minimum left side yard clearance of 3.4 feet; and a family room extension approximately 5.6 feet by 17 feet, which would have a minimum left side yard clearance of 3.6 feet, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated January 6, 1993, drawn by Paul J. Sawtelle, Registered Land Surveyor; floor plans and elevations drawn by Gillen Gray O'Marah; and photographs were submitted.

On February 17, 1993, the Planning Board reviewed the petition and voted to strongly oppose the granting of the petition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

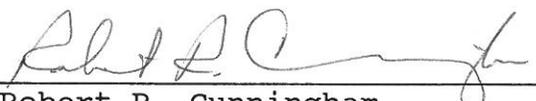
It is the opinion of this Authority that the proposed construction of the garage and family room extension both increases the existing nonconformities and creates additional ones as noted in the foregoing Statement of Facts.

It is the unanimous Finding of this Authority that the proposed construction of the aforementioned garage and family room extension would be a gross violation of the required 20 foot side yard setback, would set an undesirable precedent if granted, and therefore, would be substantially more detrimental to the neighborhood than the existing nonconforming structure.

This petition is therefore denied, and this case dismissed.

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 PETITION IN  
THE OFFICE OF THE TOWN CLERK.

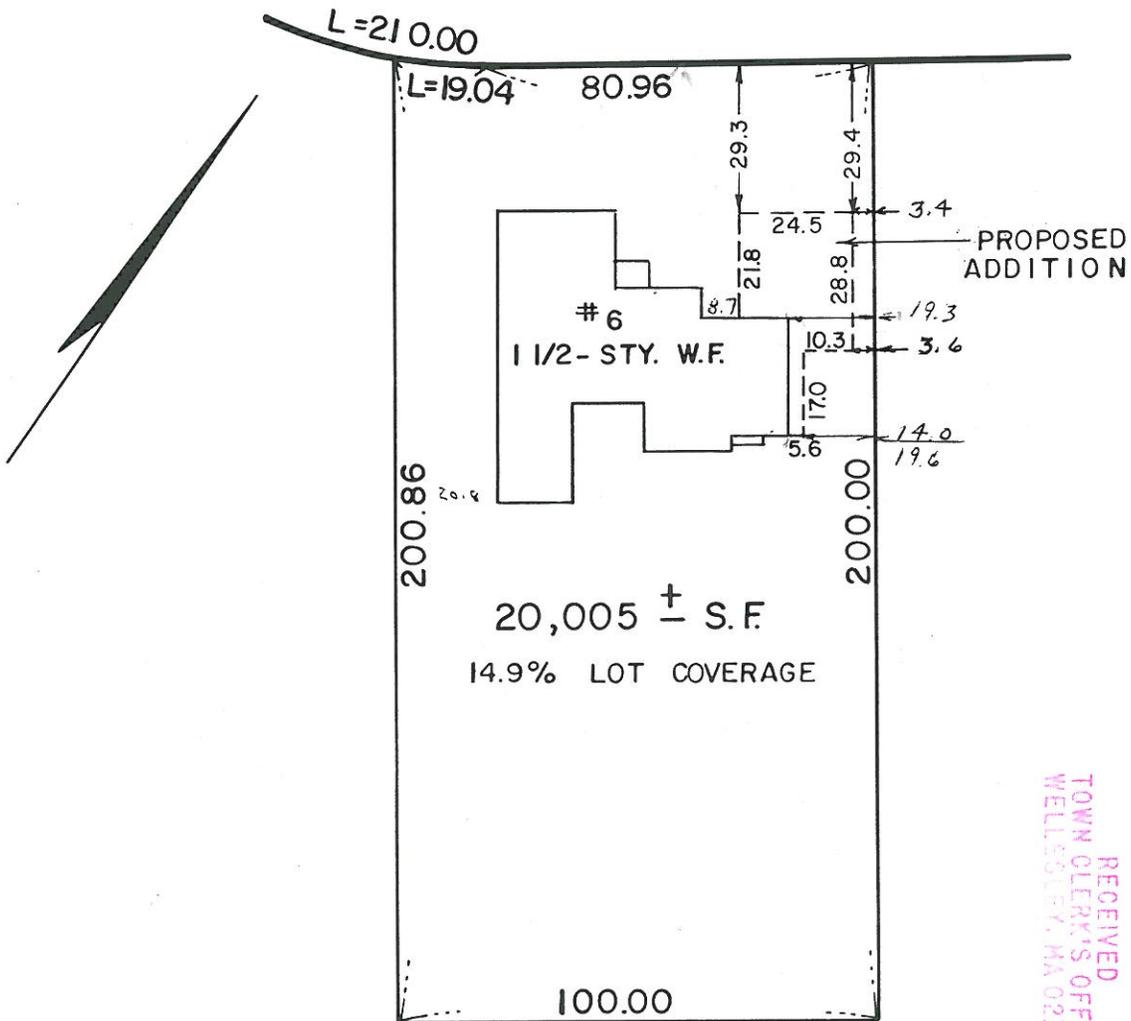
  
Kendall P. Bates, Acting Chairman

  
Robert R. Cunningham

  
William E. Polletta

cc: Planning Board  
Inspector of Buildings  
edg

# SAWYER ROAD

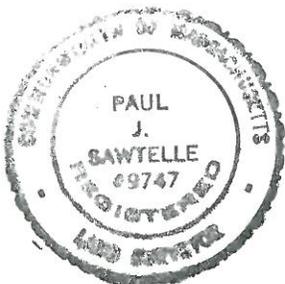


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PLAN OF LAND  
IN

## WELLESLEY, MASS.



SCALE: 1" = 40'  
MASS BAY SURVEY, INC.

JAN 6, 1992  
NEWTON, MASS.

REVISED FEB, 5, 1993

*Paul Sawtelle*