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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 X208RECEIVED
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WELLESLEY, MA 02181WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCKZBA 93-31
Petition of Jack and Linda Morgan
112 Abbott Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 22, 1993 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JACK AND LINDA MORGAN requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the proposed reconstruction of a pre-existing nonconforming detached garage, approximately 21 feet by 20 feet, as a disaster rebuild, with a one-story shed addition approximately 12 feet by 19 feet, on their property at 112 ABBOTT ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Both the reconstructed garage and the shed addition have less than the required left side yard setback.

On April 5, 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 was Linda Morgan, who said that a tree fell from Town property through their garage last December. They would like to rebuild the garage on the same foundation, and add a small shed area for bikes and storage. The garage was built about 60 years ago and has space for exactly two cars.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming detached garage was located at 112 Abbott Road, in a Single Residence District, on a 24,363 square foot lot, with a minimum left side yard clearance of 9.9 feet.

In December, 1992, a 65 foot tree fell on the garage, which was rendered unsalvageable, and removed as an unsafe structure. The petitioners are requesting a Finding that the reconstruction of the 21 foot by 20 foot garage on the same foundation with a minimum left side clearance of 9.9 feet as a disaster rebuild; with a one-story shed addition approximately 12 feet by 19 feet, with a minimum left side yard clearance of 14.1 feet, would not be substantially more detrimental to the neighborhood than the original nonconforming structure.

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A Plot Plan dated March 25, 1993, drawn by Verne T. Porter, Registered Land Surveyor; floor plans and elevations dated March 25, 1993, drawn by Christopher Hall; and photographs were submitted.

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On April 13, 1993, 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 materials submitted and the information presented at the hearing. The subject garage does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

This Authority is of the opinion that the reconstruction of the garage on its original foundation is allowed by right as a disaster rebuild pursuant to the provisions of Section XVII of the Zoning Bylaw.

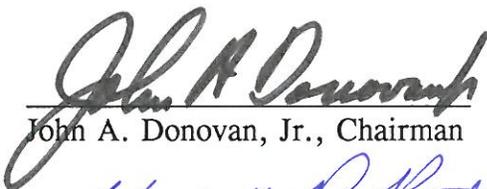
This Authority is of the opinion that the shed addition does intensify the existing nonconformity, but does not create an additional one, as said shed addition is less nonconforming as to the left side yard setback than the original garage.

This Authority unanimously finds that the proposed garage reconstruction and shed addition will not be substantially more detrimental to the neighborhood than the original garage, subject to construction in accordance with the submitted Plot Plan and construction sketches.

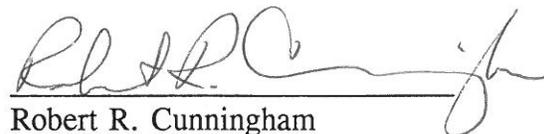
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

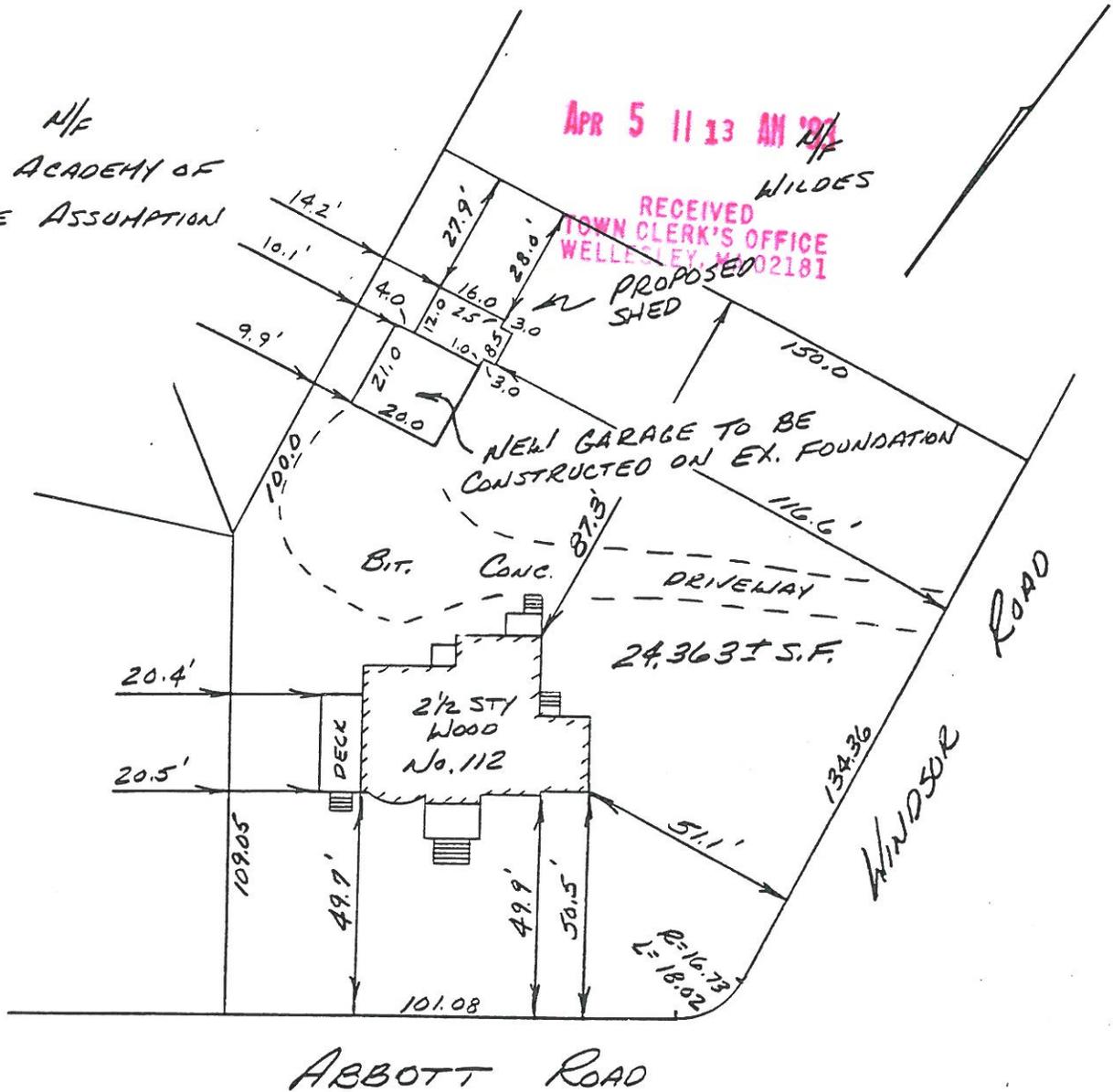

John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

N/F
THE ACADEMY OF
THE ASSUMPTION

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PLOT PLAN

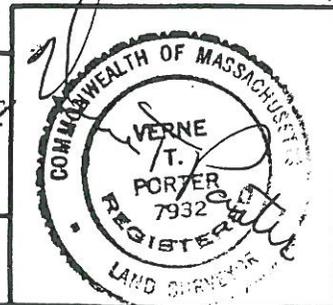
SCALE: 1 IN. = 40 FT. DATE: 3-25-93 PLAN REFERENCE: BEING LOT SHOWN ON A PLAN BY
WELLESLEY ASSESSORS DATED _____ RECORDED IN NORFOLK
REGISTRY OF DEEDS DEDHAM BOOK _____, PAGE _____, DEED BK 4345 Pg. 567

I HEREBY CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN.

I CERTIFY THAT THIS LOCUS DOES NOT LIE
WITHIN THE FLOOD HAZARD ZONE AS
DELINIATED ON MAP N/A
COMMUNITY _____

112 ABBOTT RD WELLESLEY

VERNE T. PORTER PE, RLS
292 LANGLEY RD.
NEWTON CENTER, MA 02159



THIS PLAN MADE FROM AN
INSTRUMENT SURVEY.

VTP ASSOCIATES 965-4870
NEWTON, MA 02159 332-8271