



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

09, 6 7 55 AM '94

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WELLESLEY, MA 02181

ZBA 94-64

Petition of Frank Sullivan and Louise Borchert  
16 Elmwood Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 22, 1994 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 FRANK SULLIVAN AND LOUISE BORCHERT requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the proposed demolition of their existing nonconforming detached garage, tool shed and carport, with less than the required left side yard, and construction of a detached one-car garage and storage area approximately 17.6 feet by 20 feet with less than the required left side yard, at their premises at 16 ELMWOOD ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming garage.

On September 2, 1994, the petitioners 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 Frank Sullivan and Louise Borchert. Mr. Sullivan said that they have a nonconforming garage which they would like to demolish and replace with a similar structure. The garage is falling apart, and not worth repairing. The existing garage is 17 feet by 18 and 1/2 feet. They would like to build a new one-car garage and storage area, which would be 18 feet by 20 feet.

The Board stated that the submitted plot plan shows the dimensions of the proposed garage to be 17.6 feet by 20 feet, and not 18 feet by 20 feet. The front elevation sketch submitted shows a measurement of 17 feet 7 inches, which translates into 17.6 feet, and the side elevation shows a depth of 20 feet which also correlates with the plot plan. As the plot plan is the controlling document, a decision will be made regarding the dimensions shown on the plot plan.

No other person present had any comment on the petition.

#### Statement of Facts

The subject property containing 7,842 square feet is located at 16 Elmwood Road, in a Single Residence District. A nonconforming two and one half-story dwelling with a minimum right side yard clearance of 11.9 feet, a minimum front yard clearance of 23.9

ZBA 94-64  
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OCT 6 7 55 AM '94

feet from Elmwood Road, and a minimum front yard clearance of 26.4 feet from Cavanagh Road is located on the lot. The property also contains a nonconforming detached garage which has a minimum right side yard clearance of 8.5 feet and a minimum front setback of 24.2 feet from Cavanagh Road and is nonconforming as to the rear setback of the attached carport.

The petitioners are requesting a Special Permit/Finding to allow demolition of the existing nonconforming garage and construction of a new detached one-car 17.6 foot by 20 foot garage with a minimum side yard clearance of 9.0 feet from the right rear corner, 9.6 feet from the right front corner and a minimum front yard clearance of 24.2 feet from Cavanagh Road.

A plot plan dated August 22, 1994, drawn by Paul J. Sawtelle, Registered Land Surveyor; Existing and Proposed Elevations drawn by Dan O'Connor; and photographs were submitted.

On September 13, 1994, the Planning Board reviewed the petition and voted to offer no comment.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Both the existing detached garage and the proposed detached garage do not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the demolition of the existing detached garage and construction of the proposed detached garage will not intensify the existing nonconformity, nor will it create new nonconformities, as the encroachment of 9.0 feet of the proposed garage is less than the 8.5 encroachment of the existing garage at the right rear corner; and the encroachment of 9.6 feet of the proposed garage is less than the encroachment of 8.7 feet of the existing garage from the front right corner. The removal of the carport will bring the rear of the proposed garage into conformance with the required 10 foot setback, as it will be 13.5 feet from the rear lot line. The nonconformance in regard to the front setback from Cavanagh Road will not change.

Therefore, the requested Special Permit is hereby granted to construct a one-car detached garage according to the submitted plot plan and elevation sketches; the dimensions of said garage not to exceed 20 feet by 17.6 feet.

ZBA 94-64  
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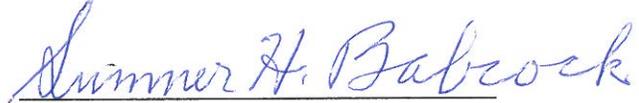
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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



Kendall P. Bates  
Kendall P. Bates, Acting Chairman



Sumner H. Babcock  
Sumner H. Babcock



William E. Polletta  
William E. Polletta

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