



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-18

Petition of William C. and K. Coleman James  
4 Marigold Avenue

Pursuant to due notice the Special Permit Granting Authority held a Public Hearing on Thursday, February 16, 1995 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 WILLIAM C. AND K. COLEMAN JAMES requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following changes to their nonconforming dwelling with less than the required front, left and right side yard setbacks at 4 MARIGOLD AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. Construction of a one-story addition approximately 10 feet by 10.2 feet which would have less than the required right side yard setback.
2. Demolition of existing second story, and raising the ridge line of the existing roof approximately 12 feet to accommodate raising the ceiling of the first floor one foot, and constructing a second story addition approximately 36.5 feet by 24.6 feet covering the entire first floor, including the proposed addition. Said second story would have less than the required front, left and right side yard setbacks.

On January 30, 1995, 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 was William James, who said that he was the new owner of a charming but obsolescent cottage. The house has an irregular shape, and they would like to square it off, add a second floor, and bring it into the nineties.

The Board stated that the existing front facade of the house is straight across, which would be changed with the construction of the front porch. The Board was of the opinion that this area should never be enclosed to provide additional living space, and that the decision should contain a condition with this provision. The Board also commented that the proposed plan was a great improvement over the existing house.

No other person had any comment on the petition.

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Statement of Facts

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The subject nonconforming dwelling is located at 4 Marigold Avenue, on a 5,000 square foot lot, in a Single Residence District, and has a minimum front yard clearance of 21 feet, a minimum left side yard clearance of 9.8 feet and a minimum right side yard clearance of 14.5 feet.

The petitioners are requesting a Finding that the proposed construction of a one-story addition approximately 10 feet by 10.2 feet, which would have a minimum right side yard clearance of 15.5 feet from the right rear corner; the demolition of the existing second floor, and the raising of the ridge line of the roof approximately 12 feet to accommodate a second story approximately 36.5 feet by 24.6 feet covering the entire first floor including the proposed addition, which would have a minimum front yard clearance of 21 feet, a minimum right side yard clearance of 9.8 feet and a minimum left side yard clearance of 14.5 feet, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The percentage of lot coverage including the proposed addition would be 22.3%.

A Plot Plan dated January 18, 1995, drawn by Henry E. Thomas, Jr., Registered Land Surveyor; Floor Plans and Elevations dated January 20, 1995, drawn by John McConnell, Architect and photographs were submitted.

On February 7, 1995, the Planning Board reviewed the petition and voted to offer no objection to the request.

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 10 foot by 10.2 foot addition at the right rear corner of the dwelling will intensify the existing nonconformance, but will not create a new nonconformity as the resultant right side yard setback of 15.5 feet is less nonconforming than the existing minimum right side yard clearance of 14.5 feet.

It is the further opinion of this Authority that the demolition of the existing second story and the raising of the ridge line of the existing roof approximately 12 feet to accommodate the addition of a second story approximately 36.5 feet by 24.6 feet, covering the entire first floor including the proposed addition will intensify the existing nonconformance on the right side

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yard, but will not create new nonconformities as the front, right and left side yard setbacks will not be changed as a result of the construction.

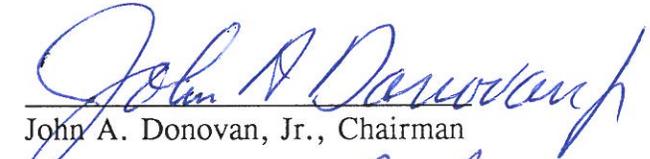
Therefore, this Authority finds that the proposed construction of the addition, demolition of the existing second floor, raising of the ridge line of the roof and construction of the second story will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, subject to the following conditions:

1. All construction shall be done in accordance with the plot plan and architectural drawings submitted.
2. The front porch/entryway shall never be enclosed.

The Inspector of Buildings is hereby authorized to issue a building 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



John A. Donovan, Jr., Chairman



Kendall P. Bates

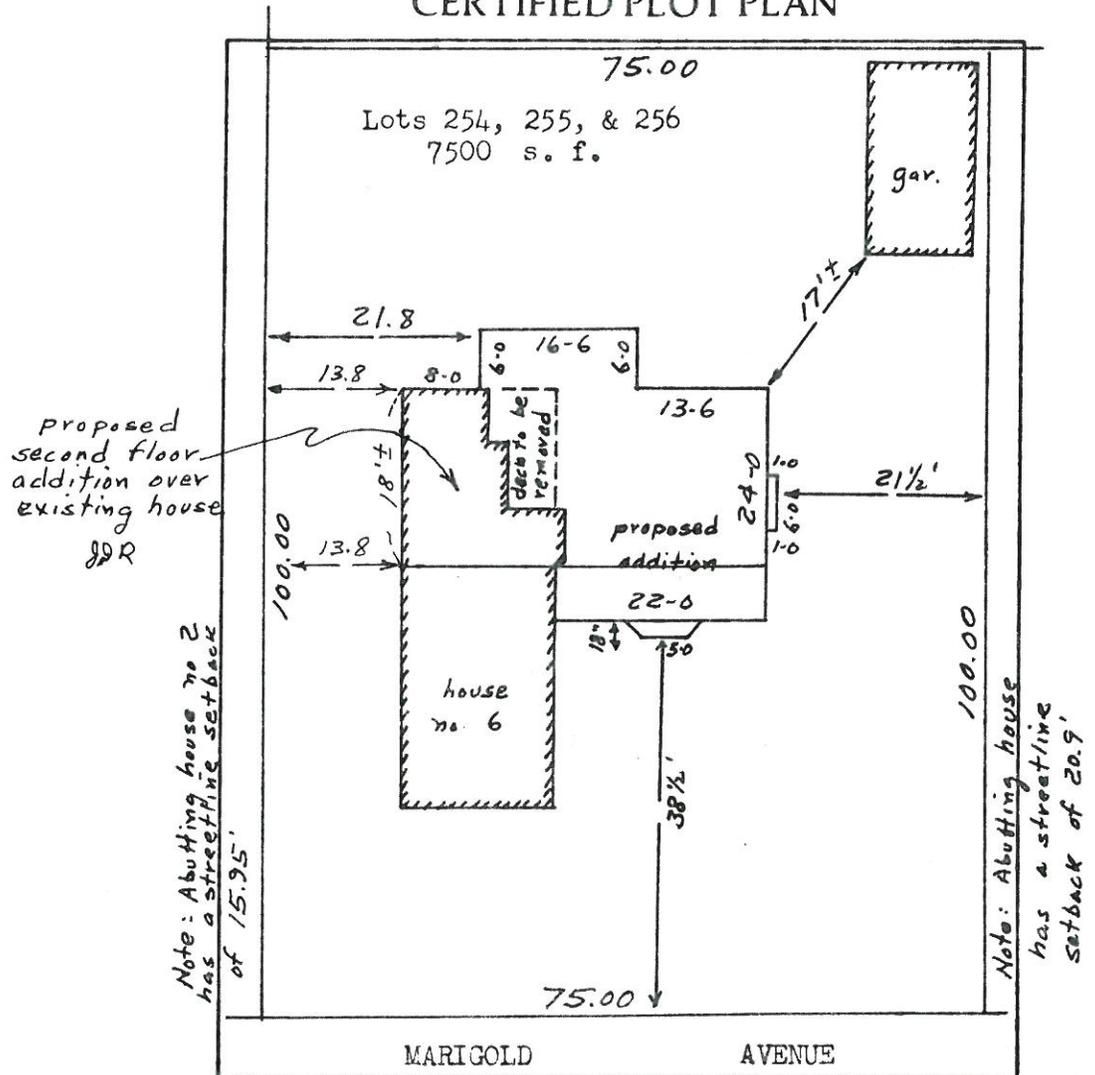


Robert R. Cunningham

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PROPOSED CONSTRUCTION  
CERTIFIED PLOT PLAN



Scale 1 in = 20 ft      Note: Lot coverage will be 1577± s.f. or 21.0%

July 23, 1993

Date

*John J. Regan*  
Reg. Land Surveyor #7931  
John J. Regan  
P.O. Box 416, Newton, 02161

Address



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