



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-27

Petition of William A. and Laurianne P. Mitchell
41 Arnold Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 30, 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 A. AND LAURIANNE P. MITCHELL requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the raising of the ridge line of the roof of their nonconforming attached garage, with less than the required left side yard setback, approximately 4.5 feet to accommodate a second story expansion of 130 square feet, at 41 ARNOLD ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint of the garage.

On March 13, 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 were Mr. and Mrs. Mitchell, who were accompanied by their architect, Vincent Codispoti. Mr. Condispoti said that in conjunction with the construction of a conforming addition at the rear of the house, the Mitchells would like to enlarge the second floor bedroom located above the garage by raising the roof. The bedroom could then be connected to the other bedrooms on the second floor, as it is presently totally separate from the second floor of the existing house. The roof line over the garage would be basically the same.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 41 Arnold Road, on a 24,099 square foot lot, in a Single Residence District, and has a minimum left side yard clearance of 10.34 feet.

The petitioners are requesting a Special Permit/Finding to allow the raising of the ridge line of the roof of their nonconforming attached garage, with a minimum left side yard clearance of 10.34 feet, approximately 4.5 feet to accommodate a 130 square foot expansion to the existing second floor above the garage. There will be no change in the garage footprint.

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A Plot Plan dated February 9, 1995, drawn by James J. Abely, Professional Land Surveyor; Floor Plans and Elevations dated March 7, 1995, drawn by Vincent Codispoti, Architect; and photographs were submitted.

On March 28, 1995, the Planning Board reviewed the petition and voted to recommend approval 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 Fact.

It is the opinion of this Authority that the proposed raising of the ridge line of the roof of the nonconforming garage approximately 4.5 feet to accommodate a second floor expansion of 130 square feet will neither intensify the existing nonconformity, nor will it create any additional nonconformities as there will be no change in the garage footprint.

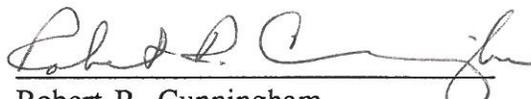
Therefore, the requested Special Permit is hereby granted for the project subject to construction in accordance with the submitted Plot Plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for 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

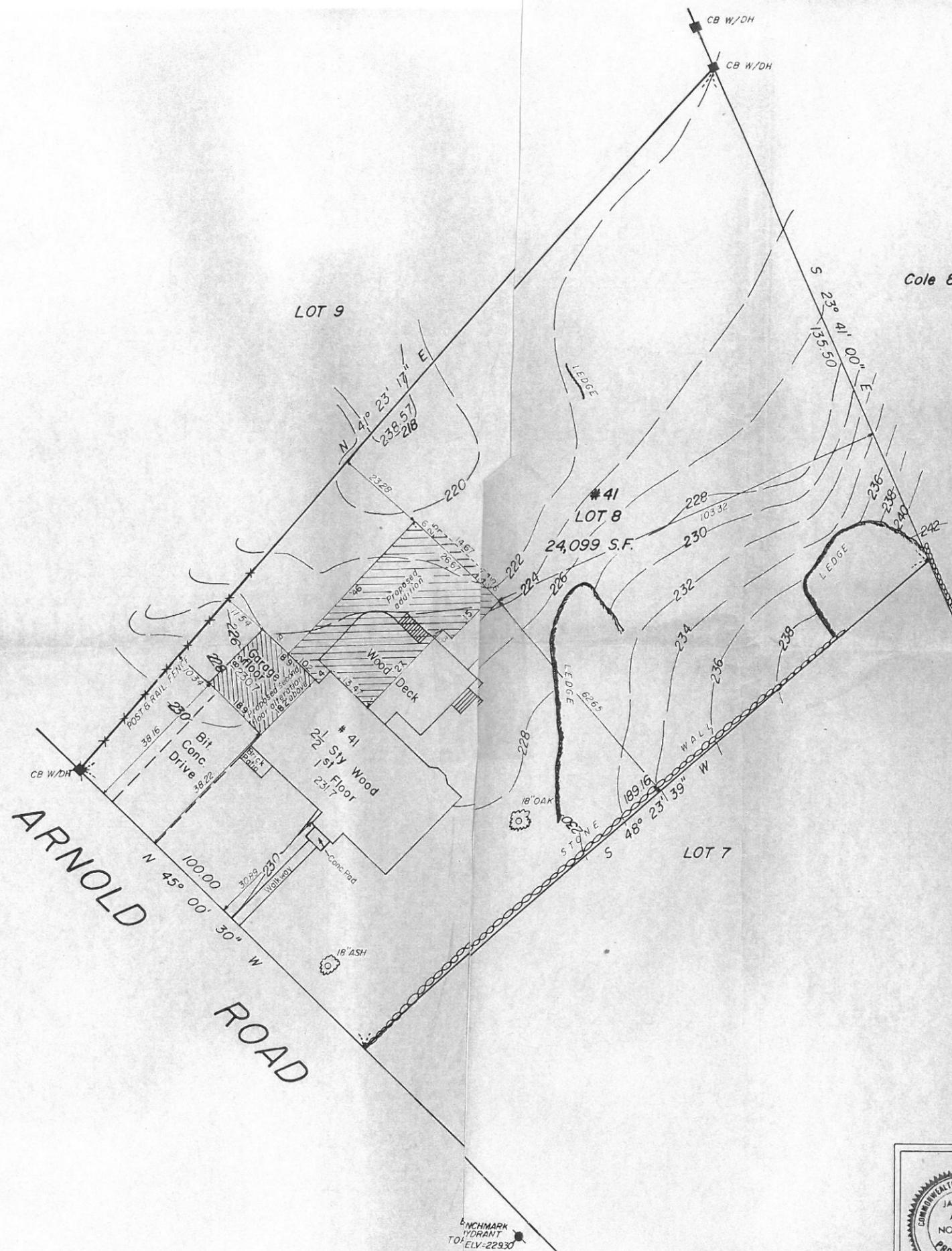
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N/F
Cole & Smith Company



SITE PLAN OF LAND
WELLESLEY, MASS.

OWNER
LAURIE MITCHELL, 41 ARNOLD RD.
EXISTING CONDITIONS

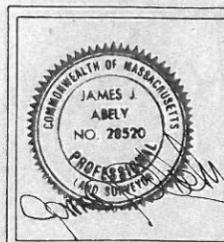
SCALE: 1" = 20'

FEB. 09, 1995

VTP ASSOCIATES, INC.

Land Surveyors - Civil Engineers

Newton, Mass.



REVISED 03.07.95

