



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-34
Petition of Gary and Patricia Gilbert
731 Worcester Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 27, 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 GARY AND PATRICIA GILBERT 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 approximately 9 feet to accommodate a second story addition approximately 28.3 feet by 20.2 feet on their detached nonconforming garage, with less than the required left side yard, at 731 WORCESTER STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint of the garage.

On April 10, 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 Gary Gilbert, who was accompanied by his attorney, Peter Larkowich. Mr. Larkowich stated that Mr. Gilbert would like to add a second story to existing free standing garage, to be used as a studio. A separate entrance to the studio would be provided by an outside staircase. The second story will not increase the nonconformity, but will raise the ridge line of the roof about nine feet. No running water will be brought to the addition, and none will be available from inside the addition. The addition will be heated. No residential or commercial use is intended for the space. Mr. Larkowich submitted a letter of support signed by four abutters.

Mr. Gilbert explained that he would like to use the space for an artist's studio. He is the Director of Photography at Boston College, and would like to do more recreational and creative photography rather than the commercial photography required in his job. The darkroom would be located in the basement of his home, and no water would be installed in the garage. There is electricity in the garage, and he would probably install electric baseboard heating.

The Board stated that in past similar situations, the Board has stipulated that no water connection ever be made, no plumbing facilities ever be installed, and the premises never be used for occupancy as a separate dwelling unit. Mr. Gilbert agreed to the conditions.

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Statement of Facts

The subject nonconforming detached garage is located at 731 Worcester Street, in a Single Residence District, on an 18,317 square foot lot, and has a minimum left side yard clearance of 9.5 feet.

The petitioners are requesting a Special Permit/Finding to raise the ridge line of the garage roof approximately 9 feet to accommodate a second story addition approximately 28.3 feet by 20.2 feet which would have a minimum left side yard clearance of 9.5 feet. There would be no change in the footprint.

A Plot Plan dated April 3, 1995, drawn by Philip L. Pattison, Registered Land Surveyor; Floor Plans and Elevations dated April 1, 1995, drawn by Transformations; and photographs were submitted. At the hearing, a letter in support of the petition, signed by Phillip Chin, 725 Worcester Street; James Kiel, 735 Worcester Street; Patricia Yost, 48 Oakridge Road; and Charles and Quentin Collard, 52 Oakridge Road, was submitted.

On April 24, 1995, the Planning Board reviewed the petition and voted to offer no objection to the request on the condition that the structure never be adapted into living space.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject detached garage 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 raising of the ridge line of the nonconforming detached garage roof approximately 9 feet to accommodate a second story addition approximately 28.3 feet by 20.2 feet would neither increase the existing nonconformity, nor would it create additional nonconformities, as there will be no change in the footprint of the garage, and therefore no additional encroachment on the left side lot line.

Therefore, a Special Permit is granted for the second story addition subject to construction in accordance with the submitted plot plan and construction drawings, and subject further to the following conditions:

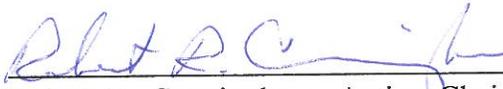
1. No water or sewer connection shall ever be made to the detached garage.
2. No plumbing facilities of any type shall ever be installed in said garage.
3. The detached garage shall never be used as a separate dwelling unit, nor shall it ever be adapted into living space for that purpose.

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



Robert R. Cunningham, Acting Chairman



Kendall P. Bates



William E. Polletta

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PLOT PLAN

N/F
FORTE

APR 10 8 28 AM '95

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Lot Area =

18,317 S.F.

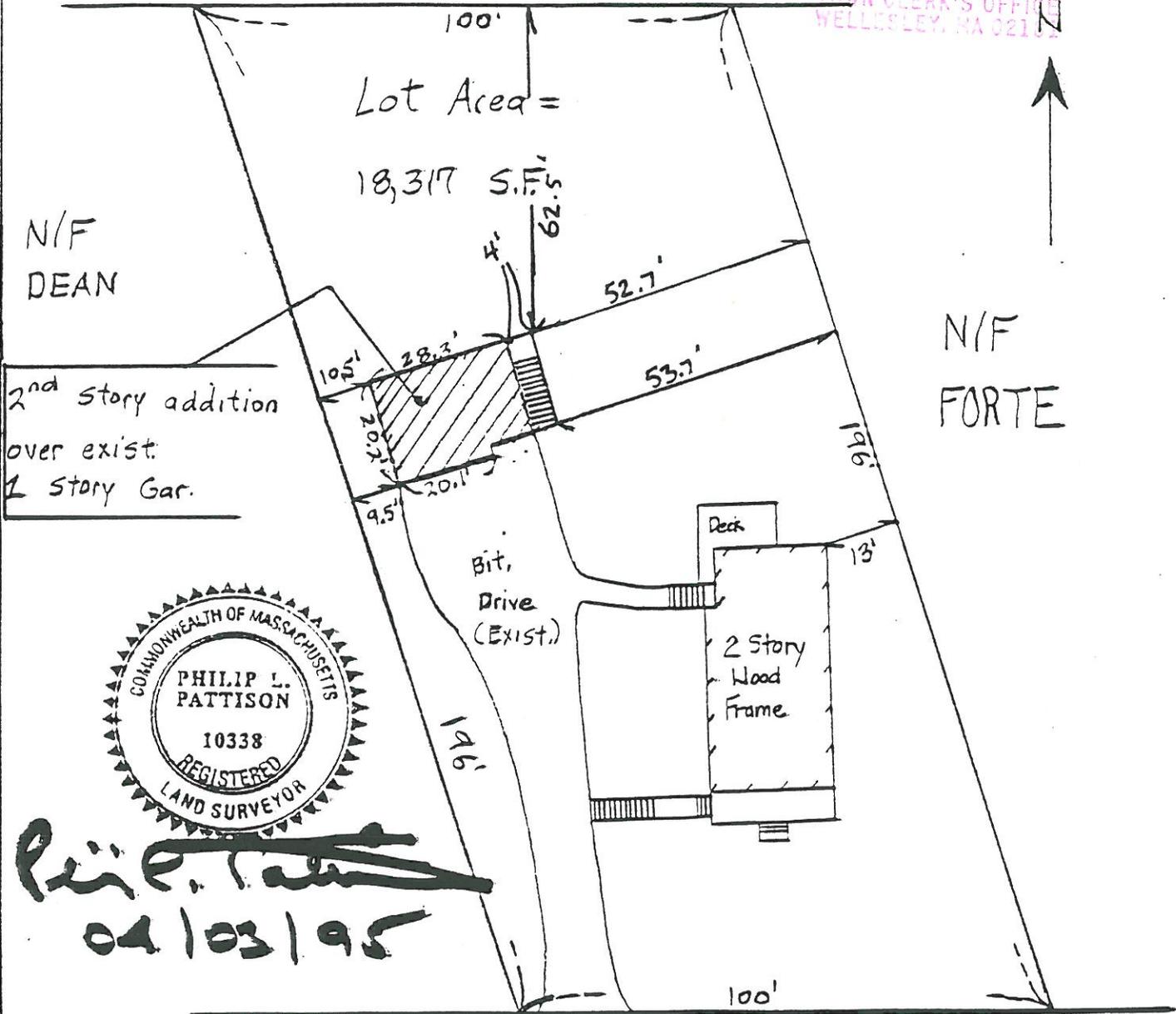
N/F
DEAN

2nd story addition
over exist.
1 story Gar.

N/F
FORTE



Philip L. Pattison
04/03/95



Worcester #131 Turnpike

Owner: Gary Gilbert
Address: T31 Worcester Street, Wellesley, MA

Deed Book: 8613 Page: 109
Title Cert. No.:
County: Norfolk.

Date: 4/3/95
Scale: 1" = 30'

Professional Survey
Arlington, Mass. 617-646-1839