



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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ZBA 96-11

Petition of Travis M. and Sally H. Ebel
37 Tennyson Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 14, 1996 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 TRAVIS M. AND SALLY H. EBEL requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing deck and stair, and construction of a one-story addition approximately 16 feet by 32 feet with less than the required right side yard, at their nonconforming dwelling with less than the required right side yard, at 37 TENNYSON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 12, 1996, 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 Travis Ebel, who said that prior to purchasing their home, they had looked at the Town records pertaining to the property, as they had intended to build an addition to meet their needs. The records indicated that the existing dwelling was set back 8 feet from the right side line as shown on a previous plot plan submitted with a variance request in 1951. The decision granting the request also stated that the setback was 8 feet.

Mr. Ebel said that when they had the property surveyed recently, they discovered that the right side yard setback was in fact 5 feet and not 8 feet. The differential of 3 feet means that the addition will be set back 18 feet, rather than the conforming 21 feet that they had believed. The proposed addition will be far less nonconforming than the existing house.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 37 Tennyson Road, in a Single Residence District, on a 14,000 square foot lot, with a minimum right side yard clearance of 5.2 feet.

In 1951, the Board of Appeal granted a variance (ZBA 51-44) to extend an existing 10 foot by 16 foot porch three feet closer to the right side lot line, leaving a minimum setback of 8 feet. The submitted plot plan also showed the minimum right side yard clearance to be 8 feet.

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The plot plan drawn for the petitioners shows the setback to be 5.2 feet rather than the 8 feet as stated in the 1951 decision. Had the right side yard setback actually been 8 feet, and the allowed porch was 13 feet, the petitioners' proposed addition attached to the left side of the porch would have been 21 feet from the right side line.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing deck and construction of a one-story addition approximately 32 feet by 16 feet, which will have a minimum right side clearance of 18 feet, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated February 6, 1996, drawn by Philip L. Pattison, Registered Land Surveyor; undated, unsigned floor plans and elevations; and photographs were submitted.

On February 20, 1996, the Planning Board reviewed the petition and voted to offer no objection to granting this 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 finding of this Authority, that the proposed one-story addition will not intensify the existing nonconformance, nor will it create new nonconformities, as it will be sited 12.8 feet further from the right side lot line than the existing dwelling.

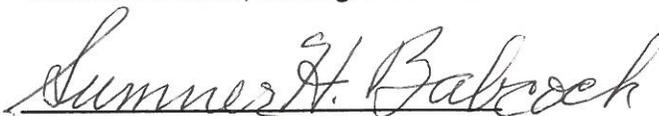
It is the unanimous decision of this Authority, as voted at the Public Hearing, to grant a Special Permit for one-story addition, subject to construction in accordance with the submitted Plot Plan and construction drawings as noted in the foregoing Statement of Facts.

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.



Kendall P. Bates, Acting Chairman

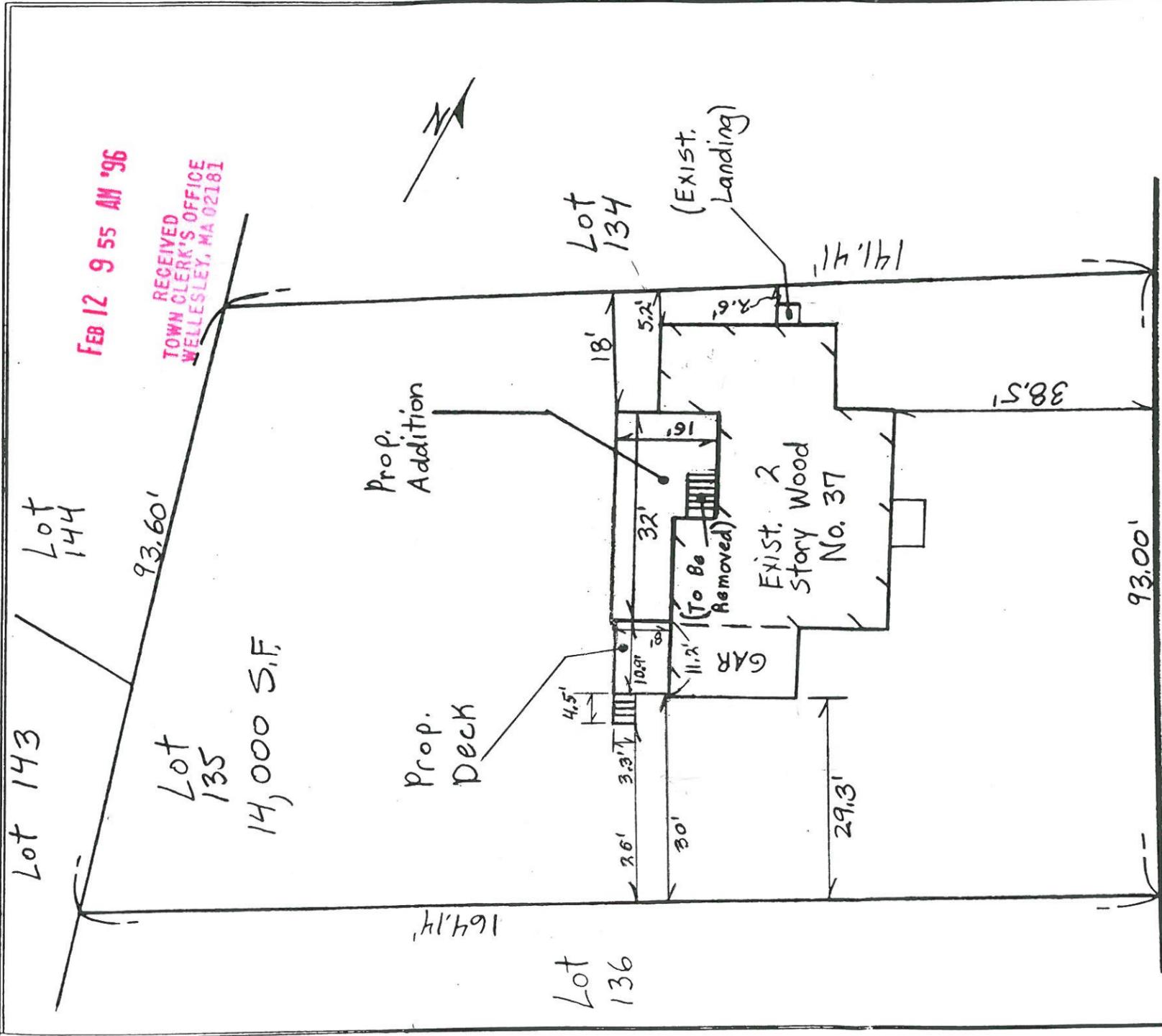


Sumner H. Babcock



William E. Polletta

cc: Planning Board
Inspector of Buildings



TENNYSON ROAD



Philip L. Pattison

Building setbacks (if any) shown on this plan are measured from building siding unless otherwise noted.
 This plan is to be used only by the owner listed below, and contains only as much accuracy as is required to obtain a permit for the proposed improvements shown hereon (if any). Setbacks (distances shown from proposed or existing improvements to property lines) cannot be used to establish property lines or to locate fences, landscaping, or any other improvements not shown on this plan.
 Professional Survey is not responsible for takings, easements or conveyances not contained in deed provided (or referenced) by client or by assessor.

Owner: Travis Ebel
 Address: 37 Tennyson Road, Wellesley, MA

Date: 2-6-96
 Scale: 1" = 20'

Deed Book: _____ Page: _____
 County: Norfolk
 PROFESSIONAL SURVEY
 Arlington, MA (617) 646-1839

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 WELLESLEY, MA 02181