



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
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May 1 8 29 AM '96

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ZBA 96-25

Petition of Brian J. and Julie C. Morris
78 Prospect Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 18, 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 BRIAN J. AND JULIE C. MORRIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required right and left side yard setbacks at 78 PROSPECT STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. A 2 foot by 9.5 foot expansion, with less than the required left side yard setback, to the existing 18.5 foot by 9.5 foot garage with less than the required front and left side yard setbacks.
2. Demolition of the existing porch above the garage and construction of a second floor addition approximately 20.5 feet by 9.5 feet, which will have less than the required front and left side yard setback.

On April 1, 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 Brian Morris, who said that the purpose of the addition is to make the existing two second floor bedrooms more usable. The neighbors have no problem with the addition.

The Board noted that the property appeared to drop off sharply in the rear. Mr. Morris agreed, but stated that there is sufficient space to turn into the garage.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 78 Prospect Street, in a Single Residence District, on a 6,468 square foot lot. The nonconforming dwelling has a minimum front yard clearance of 29.2 feet, a minimum left side clearance of 10.6 feet and a minimum right side clearance of 11.9 feet.

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The petitioners are requesting a Special Permit/Finding to construct a first floor 2 foot by 9.5 foot expansion to their existing 18.5 foot by 9.5 foot garage which has a minimum front clearance of 29.2 and a minimum left side clearance of 10.6. The proposed expansion would have a minimum left side clearance of 12.0.

The petitioners are also requesting a Special Permit/Finding to demolish an existing nonconforming porch above the garage and construct a second story addition above the expanded garage, approximately 20.5 feet by 9.5 feet, which would have a minimum front clearance of 29.2 feet and a minimum left side clearance of 10.6 feet.

A plot plan dated August 1, 1995, drawn Robert F. Drake, Registered Professional Land Surveyor; Floor Plans and Elevations dated 3/26/96, drawn by B.J.M.; and photographs were submitted.

The Planning Staff believes that although the project will add building bulk within the required setback area, in this instance, the addition will not be substantially more detrimental to the neighborhood than the existing nonconforming building components, since there is currently living space within this area.

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 2 foot by 9.5 foot garage expansion and the second story addition above the expanded garage will not intensify the existing nonconformance, nor create additional nonconformities, as the addition will be less nonconforming than the existing dwelling, and therefore, will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

A Special Permit is granted by this Authority, as unanimously voted at the Public Hearing, for the proposed construction in accordance with the submitted plot plan and construction plans.

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.

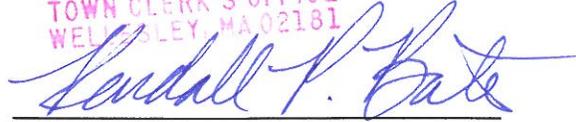
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APPEALS FROM THIS DECISION,
IF ANY SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
edg

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WELLSLEY, MA 02181



Kendall P. Bates
Kendall P. Bates, Acting Chairman



Sumner H. Babcock
Sumner H. Babcock



William E. Polletta
William E. Polletta

