



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

May 1 8 29 AM '96

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

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

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WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 96-26

Petition of Patrick M. and Karen E. Cox
106 Overbrook Drive

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 PATRICK M. AND KAREN E. COX requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that raising of the ridge line of the roof of their nonconforming dwelling approximately 5 feet to accommodate a second floor addition approximately 24.3 feet by 42 feet, with less than the required front and left side yard setbacks, at 106 OVERBROOK DRIVE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. There will be no change in the footprint.

A variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is requested to construct two bay windows approximately 2 feet by 6 feet with less than the required front 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 Patrick Cox, who said that they need the addition because they have a growing family and only two small bedrooms on the second floor. The house was built as a bungalow in 1914, and does not have enough space to accommodate their family. None of the neighbors have any objections.

The Board noted that the Planning Staff agrees with the second story addition, but felt that the variance for the windows should not be granted. Mr. Cox replied that the windows were not necessary, but would enhance the interior and exterior of the home.

After further discussion regarding the bay windows, the Board decided that as the windows will protrude about as far as a roof overhang, they could be allowed.

No other person present had any comment on the petition.

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Statement of Facts

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The subject property is located at 106 Overbrook Drive, in a Single Residence District, on a 6,843 square foot lot. The nonconforming dwelling has a minimum front clearance of 13.9 feet and a minimum left side yard clearance of 10.3 feet.

The petitioners are requesting a Special Permit/Finding to raise the ridge line of their roof approximately 5 feet above their nonconforming dwelling to accommodate a second story addition approximately 24.3 feet by 42 feet, which would also have a minimum front yard clearance of 13.9 feet and a minimum left side clearance of 10.3 feet, as there is no change in the footprint.

The petitioners are also requesting a variance to install two bay windows, one on each side of the front entrance. Each bay window is 2 feet by 6 feet, and each will have a minimum front yard clearance of 11.9 feet.

A Plot Plan dated March 26, 1996, drawn by James J. Abely, Professional Land Surveyor; Floor Plans and Elevations (A1-A4), dated 3/5/96, drawn by Kenneth Donald Eckstrom, Registered Professional Engineer; and photographs were submitted.

The Planning Staff saw no objection to a favorable finding for the second story addition, but recommends against the bay window variances, as these are new encroachments into the street setback 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, as voted unanimously at the Public Hearing, that the proposed second story addition will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling as it neither intensifies the existing nonconformance nor creates additional nonconformity.

Therefore, a Special Permit is granted to raise the ridge line of the existing roof 5 feet to accommodate the requested second story addition in accordance with the submitted plot plan and construction drawings.

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It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted, as voted unanimously by this Authority at the Public Hearing, to construct the two bay windows in accordance with the submitted plot plan and construction drawings.

If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

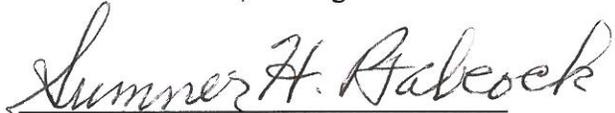
The Inspector of Buildings is hereby authorized to issue a permit for the construction of the second story addition and the two bay windows upon his receipt and approval of a building application and detailed construction plans.

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
Kendall P. Bates, Acting Chairman



Sumner H. Babcock
Sumner H. Babcock



William E. Polletta
William E. Polletta

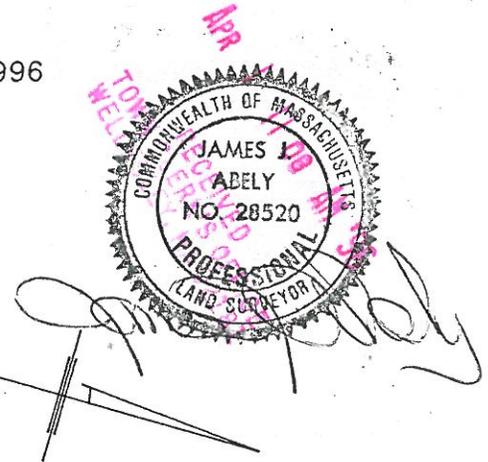
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PLAN OF LAND IN WELLESLEY, MASS.

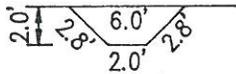
TO ACCOMPANY PETITION OF PATRICK COX
AT 106 OVERBROOK DRIVE

SCALE: 1 IN. = 20 FT. MARCH 26, 1996

VTP ASSOCIATES INC.
LAND SURVEYORS - CIVIL ENGR'S.
958 WATERTOWN STREET
WEST NEWTON, MA 02165
(617) 332-8271



BAY WINDOW DETAIL



PROPOSED LOT COVERAGE 20.6%

