



JUN 15 1 30 PM '96
 ZONING BOARD OF APPEALS
 TOWN HALL WELLESLEY, MA 02181

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ZBA 96-40
 Petition of Ahmad Sharbatoghlie
113 Edgemoor Avenue

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, June 27, 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 AHMAD SHARBATOGHLIE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to his nonconforming dwelling with less than the required front setbacks from EDGEMOOR AVENUE AND INGLESIDE ROAD at 113 EDGEMOOR AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Removal of an existing 8.4 foot by 10.4 foot dormer and replacement with a 22 foot by 14.4 foot dormer which will have less than the required two front setbacks. There will be no change in the footprint.
2. Addition of a 17.5 foot by 22 foot dormer across the rear of the dwelling which will have less than the required front setback from Ingleside Road. There will be no change in the footprint, but the dormer will overhang the existing foundation by 6.5 feet.

Variances from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw are requested for the following additions:

1. A 3.3 foot by 7 foot unenclosed roofed structure which will have less than the required front setbacks from both streets.
2. A 16.3 foot by 24 foot garage at the rear of the dwelling which will have less than the required front setback from Ingleside Road and less than the required rear setback.

On June 10, 1996, the petitioner 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 Ahmad Sharbatoghlie, who said that he would like to add two dormers to the second floor, which presently contains only two and one-half rooms. The stair is constructed so that bringing furniture to the second floor is very difficult. As for the garage, he would like to have direct access from the kitchen to an enclosed space.

The Board asked if the garage could not be located at the side of the house. Mr. Sharbatoghlie said that he had considered this, but it would not be feasible because it would not be attached,

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and would block all view from the bay window and kitchen sliders on that side of the house.

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The Board stated that it was concerned at the lack of space which would remain between the proposed garage and the property line, particularly in regard to accessibility for fire equipment, and suggested that the width of the garage be reduced. Mr. Sharbatoghlie responded that they would like the additional width for a closet inside the garage next to the kitchen entrance. The elimination of the garage would result in redesigning the rear of the house. He conceded that the garage could be reduced to a width of 14 feet.

The Board commented that it had no problem with the two dormers or the roofed front entry structure, but were concerned about the size and location of the garage. Following further discussion, the Board agreed that the attached garage could be constructed subject to the conditions that a 9 foot setback from the rear lot line be maintained at all points, and that a new plot plan and rear elevation drawing be submitted reflecting the change.

Statement of Facts

The subject property is located at 113 Edgemoor Avenue, in a Single Residence District, on a 9,938 square foot lot, with a minimum front clearance of 15.4 feet from Edgemoor Avenue, and a minimum front clearance of 15.1 feet from Ingleside Road.

The petitioner is requesting a Special Permit/Finding for the following additions: 1. demolition of an existing front dormer and replacement with a 22 foot by 14.4 foot dormer, which would have a minimum front clearance of 15.4 feet from Edgemoor Avenue and a minimum front clearance of 15.1 feet from Ingleside Road; and 2. construction of a second 17.5 foot by 22 foot dormer across the rear of the dwelling with a 6.5 foot overhang beyond the foundation, which would have a minimum front clearance of 17.8 feet from Ingleside Road.

Variances are requested for the following additions: 1. a 3.3 foot by 7 foot unenclosed roofed structure, which would have a minimum front clearance of 12.2 feet from Edgemoor Avenue and a minimum front clearance of 16.7 feet from Ingleside Road and 2. a 16.3 foot by 24 foot attached garage which would have a minimum front clearance of 18.3 foot from Ingleside Road and a minimum rear yard clearance of 5.1 feet.

A plot plan dated 5/17/96, revised 6/3/96, drawn by Kevin W. Hinds, Registered Professional Land Surveyor; Floor plans and Elevations dated 5/20/96, drawn by Domenic W. DeAngelo, Registered Professional Structural Engineer; and photographs were submitted.

On June 18, 1996, the Planning Board reviewed the petition and voted to recommend no opposition to the dormer additions, but denial of the variance for the garage based on the belief

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that there is room for the garage elsewhere on the lot, and the proximity of the proposed garage to the building next door might be a fire access safety concern.

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 demolition of the existing front dormer and construction of the new 14.4 foot by 22 foot dormer, and the construction of the rear 17.5 foot by 22 foot rear dormer will not intensify the existing nonconformity, nor will either dormer create any new nonconformity.

Therefore, as unanimously voted at the Public Hearing, this Authority grants Special Permit for the demolition of the existing dormer and construction of the two new dormers, subject to construction in accordance with the submitted plot plan and construction drawings.

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

It is the opinion of this Authority that the requested 16.3 foot by 24 foot garage with a minimum rear yard clearance of 5.1 feet cannot be allowed, as there is not sufficient hardship to allow a conforming rear yard setback to become substantially nonconforming.

However, this Authority has determined that an attached garage which comes no closer than 9 feet from the rear lot line at all points can be allowed, as the encroachment of one foot on the rear lot line would leave an acceptable distance in regard to fire safety, and therefore desirable relief may be granted without substantially derogating from the intent or purpose from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance for the unenclosed roofed structure is hereby granted, as voted unanimously by this Authority at the Public Hearing. The variance for the requested attached garage is hereby granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. Said garage shall be a minimum of 9 feet from the rear lot line at all points.

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2. A revised plot plan shall be submitted to the office of the Board of Appeals showing the new dimensions and setbacks of the amended garage plan prior to the issuance of any building permit.
3. A revised rear elevation shall be submitted to the office of the Board of Appeals prior to the issuance of any permit.

The Inspector of Buildings is hereby authorized to issue a permit for all of the construction subsequent to compliance with the aforelisted conditions, and upon receipt and approval of a building application and detailed construction plans.

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.

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

William E. Polletta
William E. Polletta, Acting Chairman

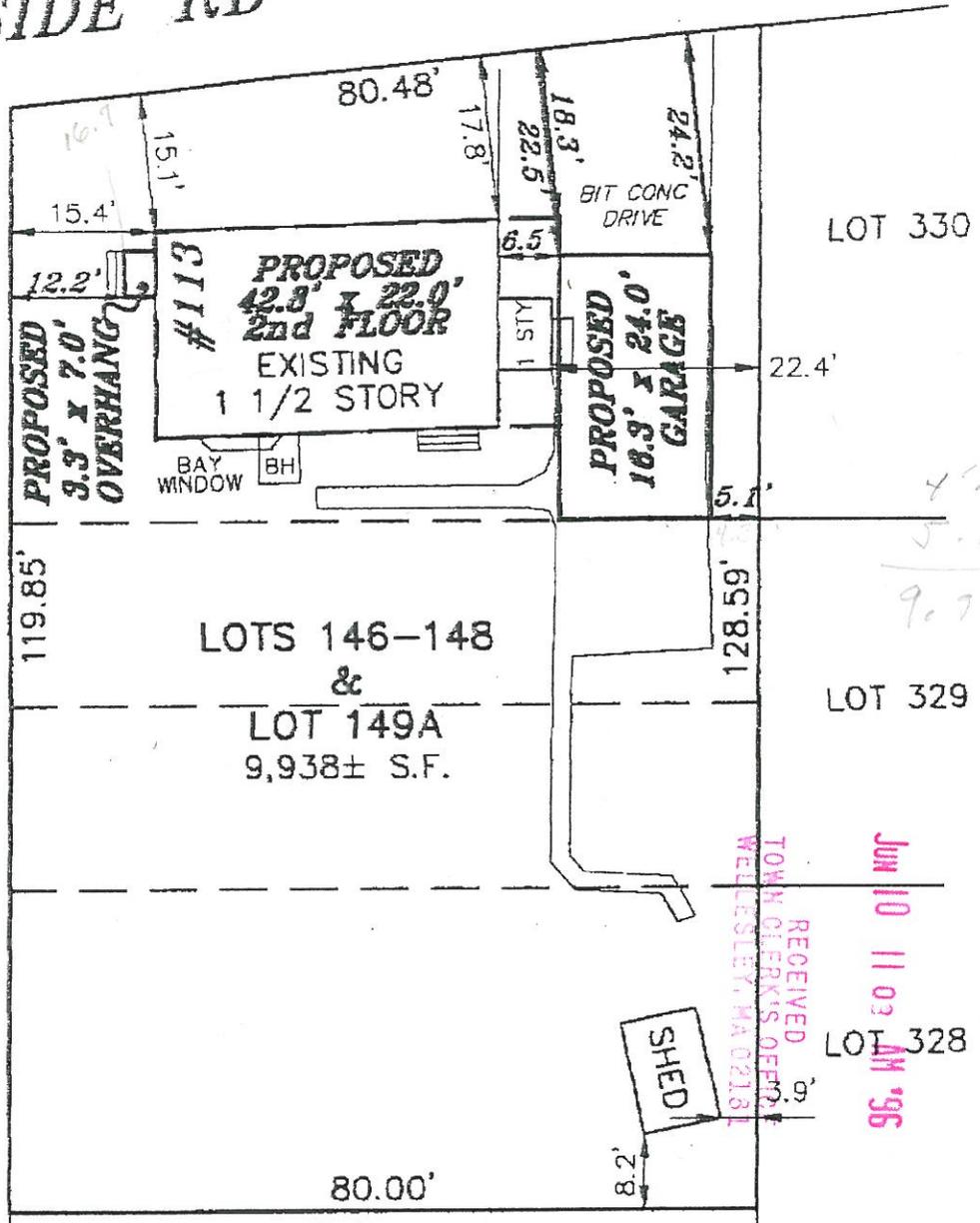
Robert A. Bastille
Robert A. Bastille

Sumner H. Babcock
Sumner H. Babcock

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INGLESIDE RD

EDGEMOOR AVENUE



LOT 151A OWNER: AHMAD SHARBATOGLHIE
LAND COURT CERT. #142576

I HEREBY CERTIFY THAT THE BUILDING IS
LOCATED AS SHOWN.



Kevin W. Hinds 5/17/96
KEVIN W. HINDS, PLS DATE

PROPOSED PLOT PLAN
#113 EDGEMOOR AVENUE
IN
WELLESLEY, MA
(MIDDLESEX COUNTY)

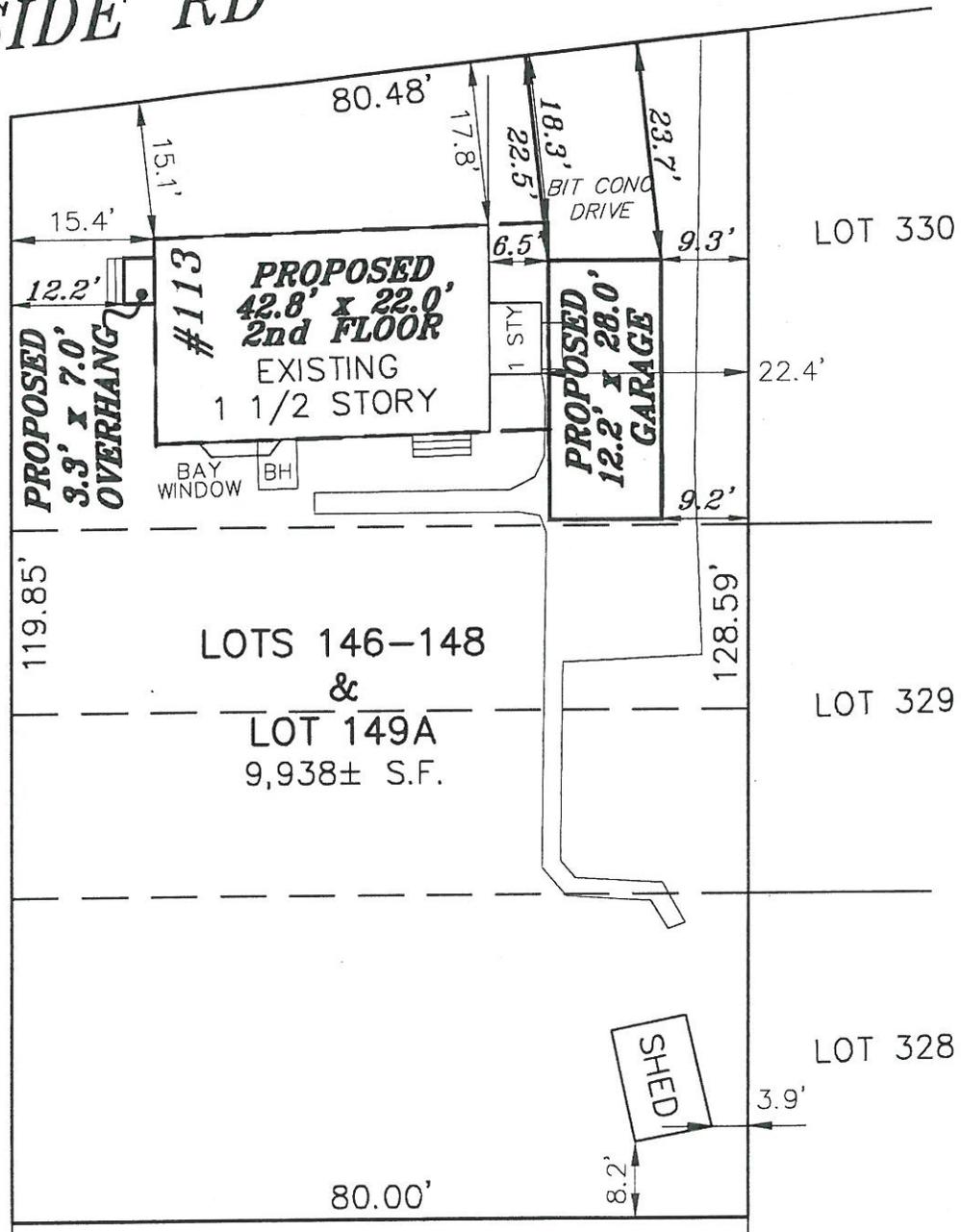
SCALE: 1" = 20' DATE: 5/17/1996
REVISED: 6/3/96



H & R SURVEY
1068A MASSACHUSETTS AVENUE
ARLINGTON, MA 02174
(617) 648-5533
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INGLESIDE RD

EDGEMOOR AVENUE



LOT 151A OWNER: AHMAD SHARBATOGHLIE
LAND COURT CERT. #142576

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Kevin W. Hinds
KEVIN W. HINDS, PLS DATE

PROPOSED PLOT PLAN
#113 EDGEMOOR AVENUE

IN
WELLESLEY, MA
(MIDDLESEX COUNTY)

SCALE: 1" = 20' DATE: 5/17/1996

REVISED: 7/1/96



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