

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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1997 NOV 26 A 9:13

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ZBA 97-101

Petition of David Stein and Lisa Siegel
21 Cleveland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 20, 1997 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 DAVID STEIN AND LISA SIEGEL 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 nonconforming porch and family room, and construction of a one-story "L" shaped 40.2 foot by 22.5 foot addition, with less than the required left and right side yard setbacks, at their nonconforming dwelling with less than the required front, left and right side yard setbacks, at 21 CLEVELAND ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

On November 3, 1997, 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 David Stein, who was accompanied by his architect, David Buchanan. Mr. Buchanan said that the petitioners would like to add a family room and a guest bedroom. The existing house has an 8.2 foot setback on the right side and a 9.4 foot setback on the left side. The proposed addition is one-story and will improve the left side yard setback to 19.3 feet, as the existing family room and porch will be removed. The petitioners have had extensive termite damage to the family room as a result of poor construction.

The Board noted that the Planning Board had no objection to the request.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 21 Cleveland Road, in a Single Residence District, on an 8,033 square foot lot, and has a minimum right side yard clearance of 8.2 feet, a minimum front yard clearance of 29.7 feet, and a minimum left side yard clearance of 9.3 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing porch and family room, with a minimum left side yard clearance of 9.3 feet, and

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construction of a one-story "L" shaped 40.2 foot by 22.5 foot addition with a minimum right side yard clearance of 12.4 feet and a minimum left side yard clearance of 19.3 feet, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated October 28, 1997, drawn by Robert F. Drake, Registered Professional Land Surveyor; Floor Plans and Elevations dated October 26, 1997, drawn by Horst Buchanan Architects, Inc.; and photographs were submitted.

On November 18, 1997, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

This Authority has made a careful study of the material 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 nonconforming porch and family room and construction of the proposed one-story addition will neither intensify the existing nonconformance or create new nonconformity, as the existing encroachment on the left side will be substantially reduced and the nonconformance on the right side will also be reduced.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the one-story addition subject to construction in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

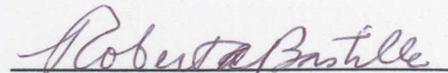
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.



Kendall P. Bates, Acting Chairman



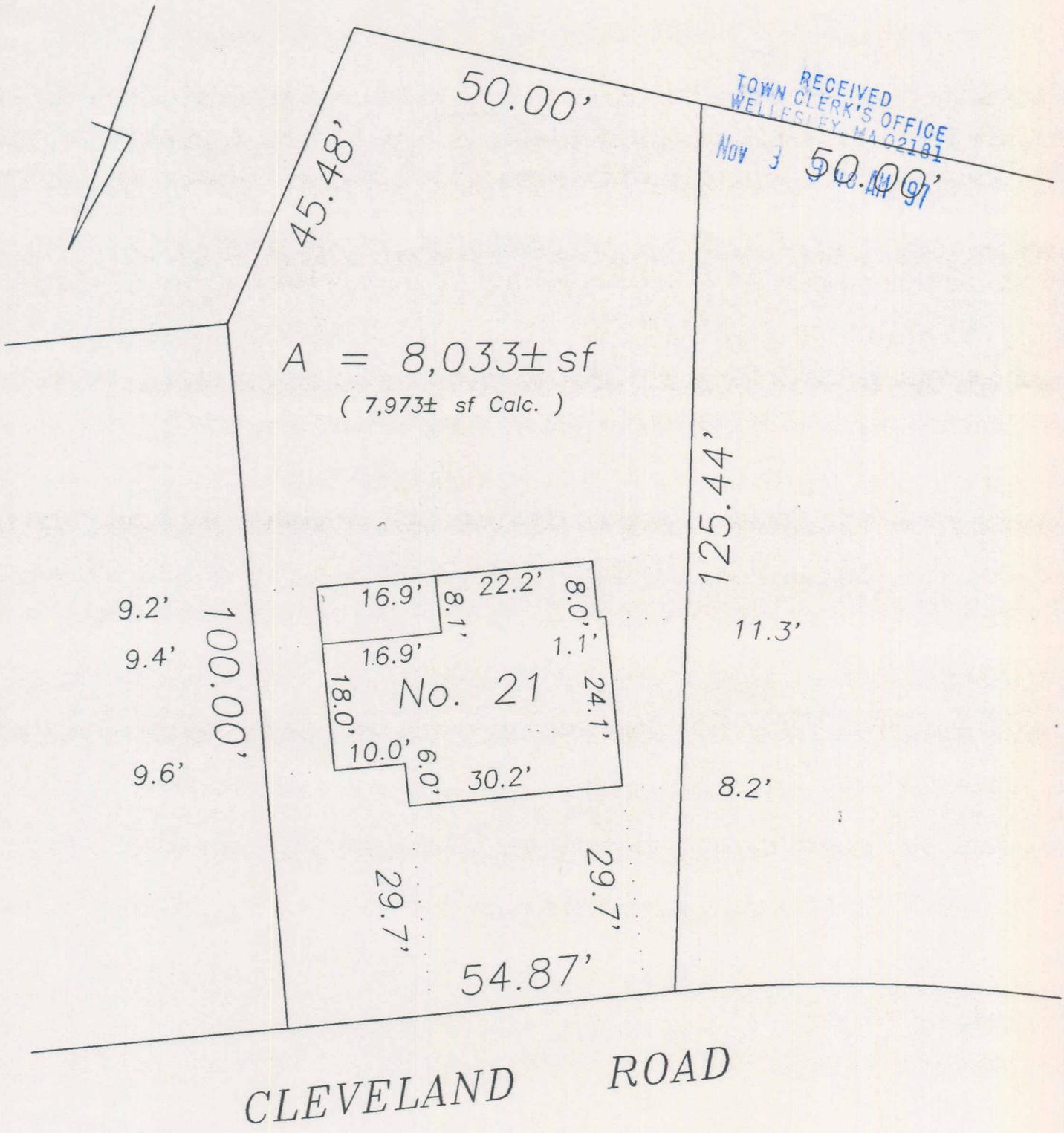
William E. Polletta



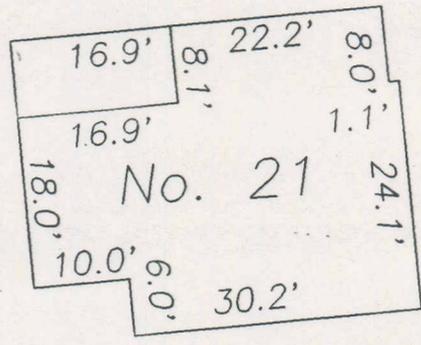
Robert A. Bastille

cc: Planning Board
Inspector of Buildings
edg

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A = 8,033± sf
(7,973± sf Calc.)



CLEVELAND ROAD

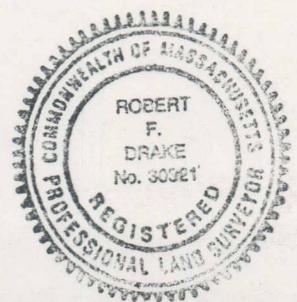
CERTIFIED PLOT PLAN
IN

WELLESLEY, MASS.

EXIST LOT COVERAGE 15.3%

I CERTIFY THAT THE BUILDING(S) ARE
LOCATED ON THE GROUND AS SHOWN HEREON.

ROBERT F. DRAKE PLS

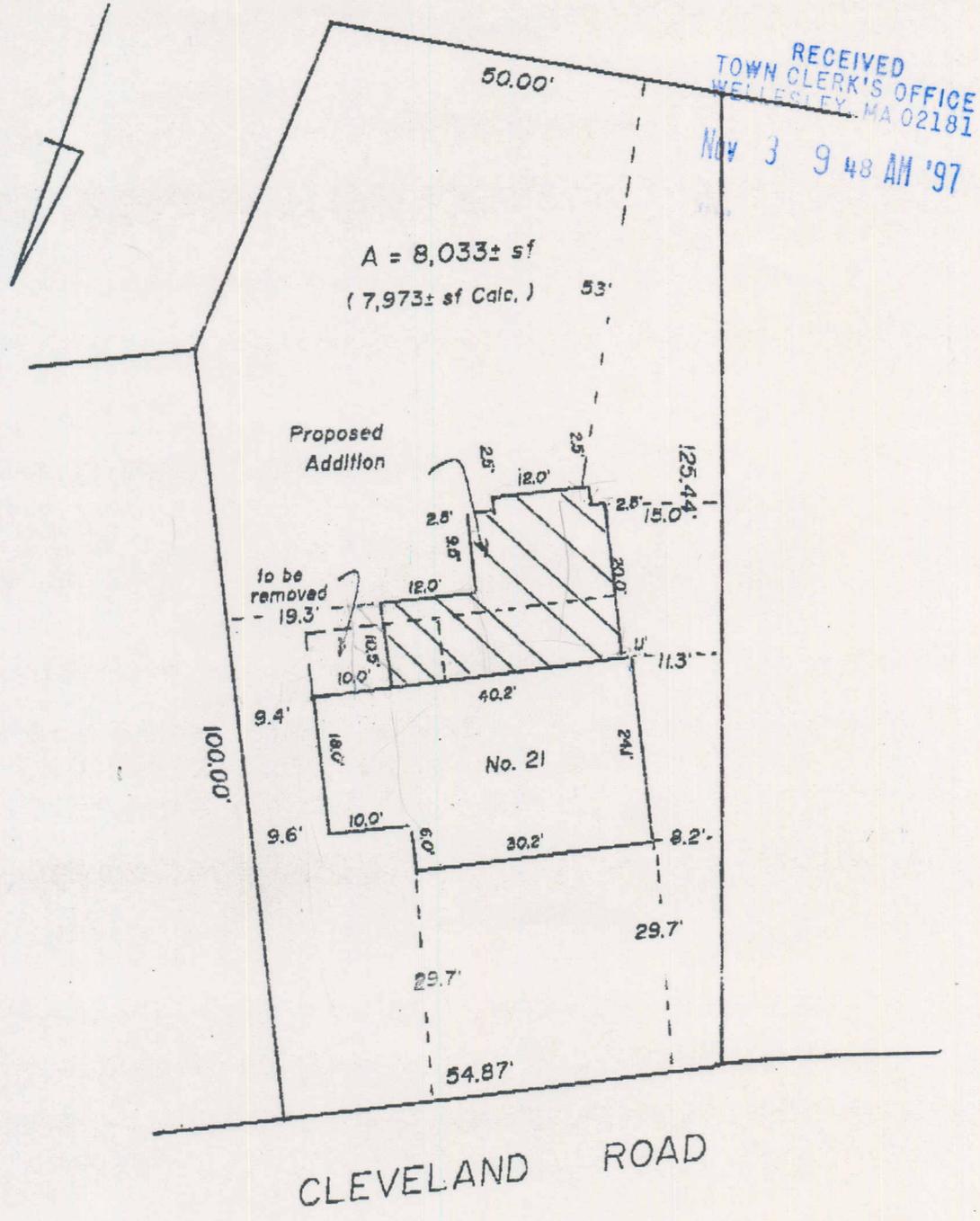


SCALE 1' = 20' SEPT 5, 1997

Drake Associates Inc.

CIVIL ENGINEERS LAND SURVEYORS
770 GROVE STREET FRAMINGHAM MASS.

ASS MAP 170 LOT 15



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EXIST. LOT COV. 15.3%
PROP. LOT COV. 17.6%

I CERTIFY THAT THE LOT(S) SHOWN ON THIS PLAN AND THE BUILDING(S) SHOWN ON SAID LOT ARE LOCATED ON THE GROUND AS SHOWN HEREON.

SIGNED
DATE

[Signature]
OCT 28, 1997



CERTIFIED PLOT PLAN
IN
WELLESLEY, MASS.

SCALE 1" = 20 FEET

DRAKE ASSOCIATES INC.
CIVIL ENGINEERS LAND SURVEYORS
770 GROVE STREET FRAMINGHAM MASS.
(508) 877-0848