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WELLESLEY, MA 02181**ZONING BOARD OF APPEALS**

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

AUG 29 9 32 AM '97

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ZBA 97-69

Petition of Luise Cahill Dittrich
20 Orchard Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 21, 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 LUISE CAHILL DITTRICH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to her nonconforming dwelling with less than the required left side yard setback, at 20 ORCHARD STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. Raising the ridge line of the roof above the rear addition approximately 13 feet to accommodate a second story addition 20 feet by 15 feet with less than the required left side yard setback. There will be no change in the footprint.
2. Construction of a second story 4 foot by 6 foot canopy/balcony which will have less than the required left side yard setback.

On August 4, 1997, 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 Russell Santoro, designer and builder of the project, representing Ms. Dittrich. Mr. Santoro said that he designed the first floor addition several years ago, and has designed the proposed second floor master bedroom project before the Board.

The Board asked whether the canopy was a balcony on the second floor level. Mr. Santoro said that it was to provide a small step-out from the master bedroom.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 20 Orchard Street, in a Single Residence District, on a 9,460 square foot lot, and has a minimum left side yard clearance of 12 feet from the foundation and 8.53 feet from the bulkhead.

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The petitioner is requesting a Special Permit/Finding to raise the ridge line of the roof above the rear addition approximately 13 feet to accommodate a 15 foot by 20 foot second story addition, which would have a minimum left side yard clearance of 12 feet; and to construct a 4 foot by 6 foot canopied balcony on the second story, which would have a minimum left side yard clearance of 18 feet.

A Plot Plan dated 7/23/97, drawn by Alexander V. Zaleski, Registered Professional Land Surveyor; Floor Plans and Elevations drawn by Russell Santoro; and photographs were submitted.

On August 12, 1997, the Planning Board reviewed the petition and voted to offer no objection to the granting of the 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 neither the proposed second story addition or the canopied balcony will intensify the existing nonconformance, nor will either project create any new nonconformance, and therefore, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

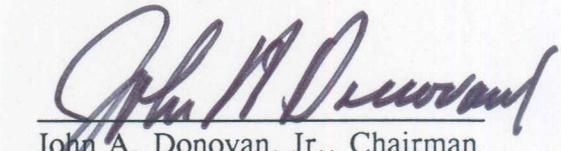
Therefore, a Special Permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the 20 foot by 15 foot second story addition, which involves raising the ridge line of the roof approximately 13 feet above the existing addition; and for the construction of a 4 foot by 6 foot canopied balcony on the second floor, 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 the construction upon receipt and approval of a building application and detailed construction plans.

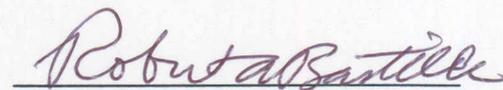
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings

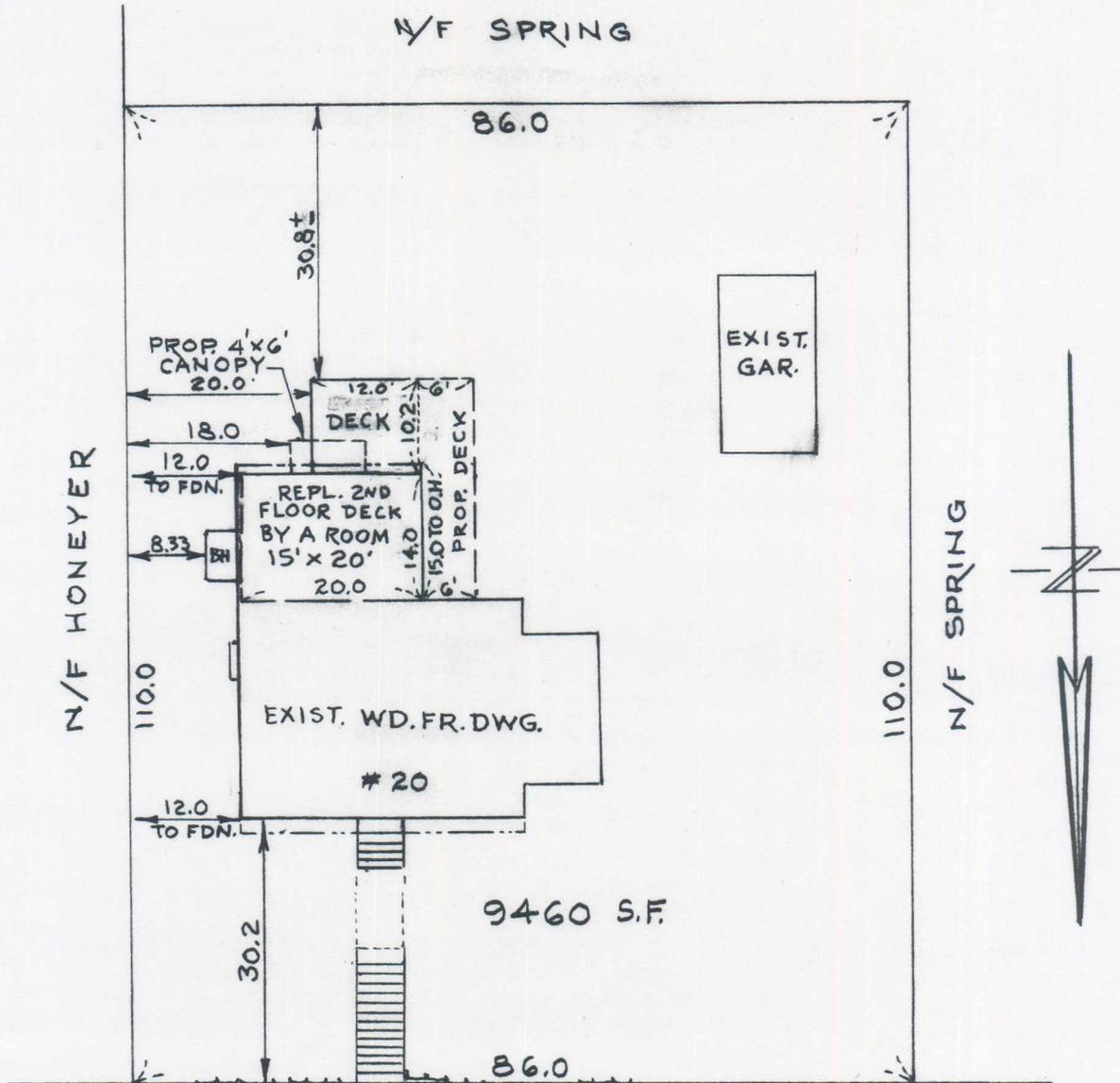
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John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert A. Bastille

PROP. LOT COVERAGE 1467 S.F. = 15.5%
INCL. DECKS 1732 S.F. = 18.3%



ORCHARD ST.

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AUG 4 12 20 PM '97



PLAN OF LAND IN
WELLESLEY, MASS
SHOWING PROPOSED ALTERATIONS
AT #20 ORCHARD ST.
Scale 1"=20' Date: 7.23.1997
ALEXANDER V. ZALESKI, P.L.S.

248 MARKED TREE RD., NEEDHAM, MA 02192
617-449-1288