TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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WELLESLEY, MA 02181
FEB 11 8 22 AM '97

ZBA 97-6
Petition of Christopher and Martha Stowell
23 Marvin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on January 30, 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 CHRISTOPHER AND MARTHA STOWELL requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a one-story 39.3 foot by 23.6 foot addition with less than the required left side yard setback at their nonconforming dwelling with less than the required left side yard setback, at 23 MARVIN ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 13, 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 Martha Stowell, who said that they are proposing a one-story addition which will include the enlargement of a small den into a family room, an eat-in kitchen, a laundry room and a mudroom. The left side of the addition will extend about two feet into the 20 foot side yard, but will not extend as far as the existing house.

Mrs. Stowell added that she and her left side abutter, Mrs. Khaitan, had spoken to Mr. Dupre at the Park and Tree Department to make certain that the proposed construction would not damage the trees bordering the left side lot line. The Board recommended that the contractor be warned to be careful in regard to the trees.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 23 Marvin Road, in a Single Residence District, on a 12,190 square foot lot, and has a minimum left side yard clearance of 10.1 feet.

The petitioners are requesting a Special Permit/Finding to allow construction of a 39.3 foot by 23.6 foot one-story addition which will have a minimum left side yard clearance of 17.3 feet.

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A Plot Plan dated October 31, 1994, revised January 7, 1997, drawn by David W. Humphrey, Professional Land Surveyor; Floor Plans and Elevations dated 12/20/96, drawn by Milford & Ford Associates; and photographs were submitted.

On January 23, 1997, the Planning Board reviewed the petition and recommended that the requested addition be made to conform to the side line setback requirement.

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 one-story addition will neither intensify the existing nonconformance nor will it create additional nonconformity, as it will be set back 7.2 feet further than the existing nonconforming dwelling from the left side lot line, and therefore, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to allow the construction of the proposed one-story addition, subject to conformance 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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert A. Bastille

FEB 11 8 22 AM '97
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WELLESLEY, MA 02181

cc: Planning Board
Inspector of Buildings
edg

JOB NO. 18136-2

JAN 13 10 57 AM '97
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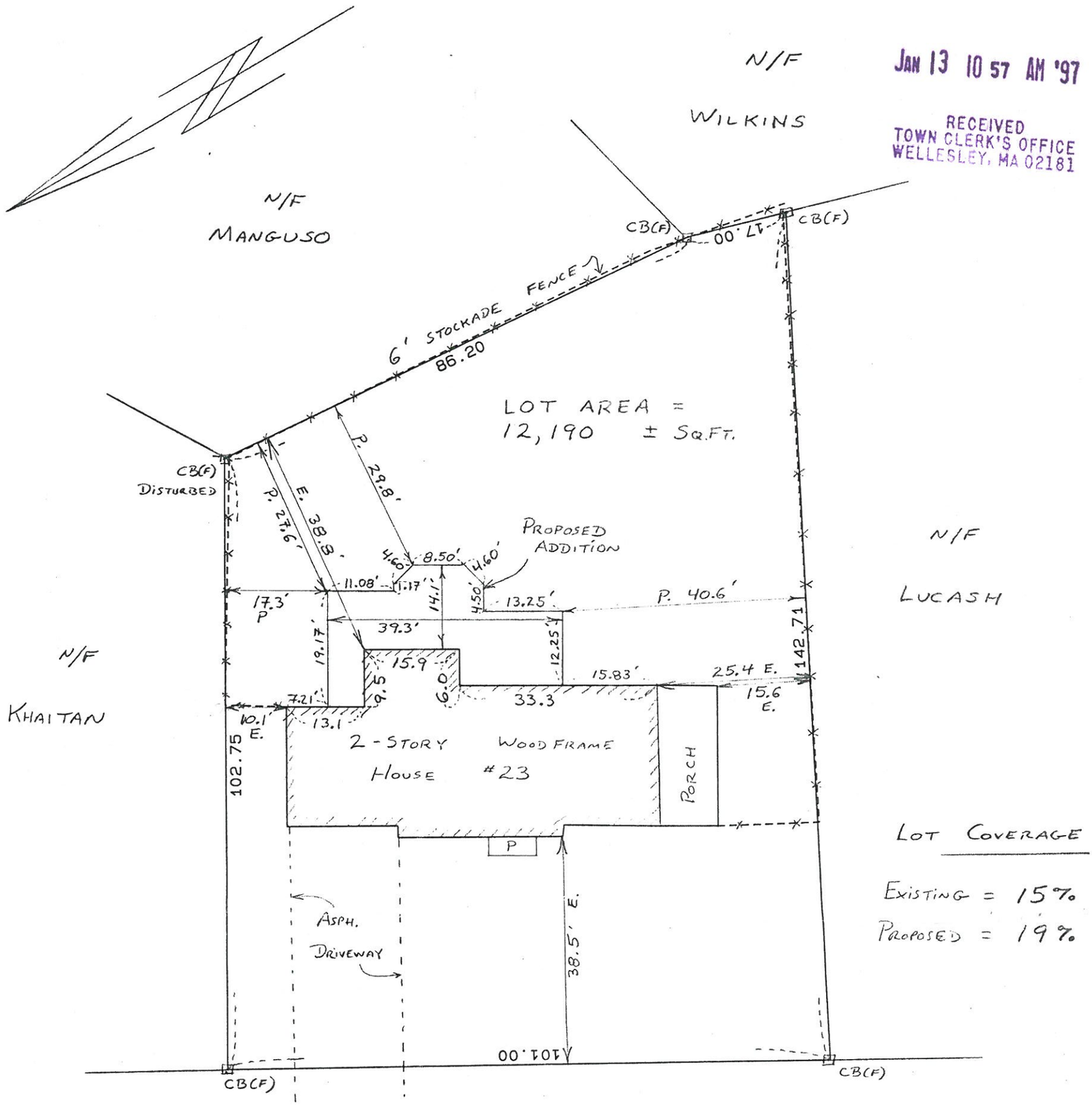

LOT COVERAGE

EXISTING = 15%

PROPOSED = 19%

E = EXISTING DIMENSION
P = PROPOSED DIMENSION
CB(F) = CONCRETE BOUND (FOUND)

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I CERTIFY TO CHRISTOPHER STOWELL AND THE WELLESLEY BUILDING INSPECTOR THAT AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, I FIND THAT THE LOT FALLS WITHIN ZONE "C" AS SHOWN ON F.I.R.M. MAP FOR WELLESLEY, MASSACHUSETTS. COMMUNITY PANEL NO. 250255-5B, DATED SEPT. 5, 1979. THE LOCATION OF THE BUILDING AS SHOWN HEREON IS IN COMPLIANCE WITH THE CURRENT ZONING BY-LAW OF THE TOWN OF WELLESLEY AS TO REAR AND FRONT SETBACKS, AREA AND FRONTAGE REQUIREMENTS.

David W. Humphrey 7 Jan 1997
PROFESSIONAL LAND SURVEYOR DATE

COMMONWEALTH OF MASSACHUSETTS
DAVID W. HUMPHREY
No. 33320
PROFESSIONAL LAND SURVEYOR

CERTIFIED PLOT PLAN
OF LAND IN:
WELLESLEY, MASS.

SCALE: 1" = 20' OCT. 31, 1994

PREPARED FOR: CHRISTOPHER STOWELL

SCHOFIELD BROTHERS
PROFESSIONAL ENGINEERS ·
PROFESSIONAL LAND SURVEYORS
1071 WORCESTER ROAD,
FRAMINGHAM, MASSACHUSETTS 01701

DEED RECORDED AT NORFOLK COUNTY
REGISTRY OF DEEDS; BOOK 9085, PAGE 362.
PLAN NO. 635 OF 1931
ASSESSOR'S MAP 100, BLOCK -, LOT 35.
ZONING CLASSIFICATION: RESIDENCE - 10,000 #

REV. 7 JAN 1997

JOB NO. 18136-2

1304R8

MAKEPEACE