



ZONING BOARD OF APPEALS

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

JOHN A. DONOVAN
KENDALL P. BATES
WILLIAM E. POLLETTA

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(617) 431-1019 EXT. 208

SUMNER H. BARCOCK
ROBERTA A. BASTILLE

FEB 11 8 30 AM '97
 RECEIVED OFFICE
 TOWN CLERK'S OFFICE
 WELLESLEY, MA 02181

ZBA 97-9

Petition of Jeffrey D. and Roberta L. Morganstern
16 Cleveland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, 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 JEFFREY D. AND ROBERTA L. MORGANSTERN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a second story addition approximately 17.7 feet by 7.4 feet at the rear of their nonconforming dwelling with less than the required right side yard setback at 16 CLEVELAND 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 Jeffrey Morganstern, who said that their effort is to create a master bedroom and bath above an existing porch by bumping out the wall upstairs. They will stay within the footprint. There will be structural work done to support the overhanging addition. The deck will remain the same size.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 16 Cleveland Road, in a Single Residence District, on a 6,188 square foot lot, and has a minimum right side yard clearance of 5.9 feet.

The petitioners are requesting a Special Permit/Finding to allow construction of a 17.7 foot by 7.4 foot second story addition on the right rear corner of the dwelling, which will overhang an existing deck. The addition will have a minimum right side yard clearance of 6.5 feet.

A Plot Plan dated September 20, 1996, drawn by U.M. Schiavone, Registered Professional Land Surveyor; Floor Plans and Elevations dated 10/10/96, drawn by Norman A. Homsy, AIA and Associates; and photographs were submitted.

ZBA 97-9

Petition of Jeffrey D. and Roberta L. Morganstern
16 Cleveland Road

On November 14, 1996, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability without conditions for the proposed work.

On January 23, 1997, the Planning Board reviewed the petition and offered no objection to 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 the proposed 17.7 foot by 7.4 foot second story addition will not intensify the existing nonconformance, nor will it create additional nonconformity as the addition will come no closer to the right side line than the existing nonconforming structure.

It is the finding of this Authority that the proposed addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

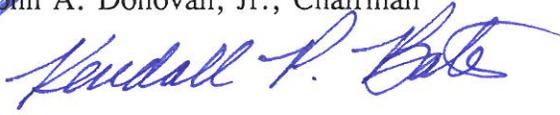
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the proposed second story addition subject to construction in conformance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction 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
Wetlands Protection Committee
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates

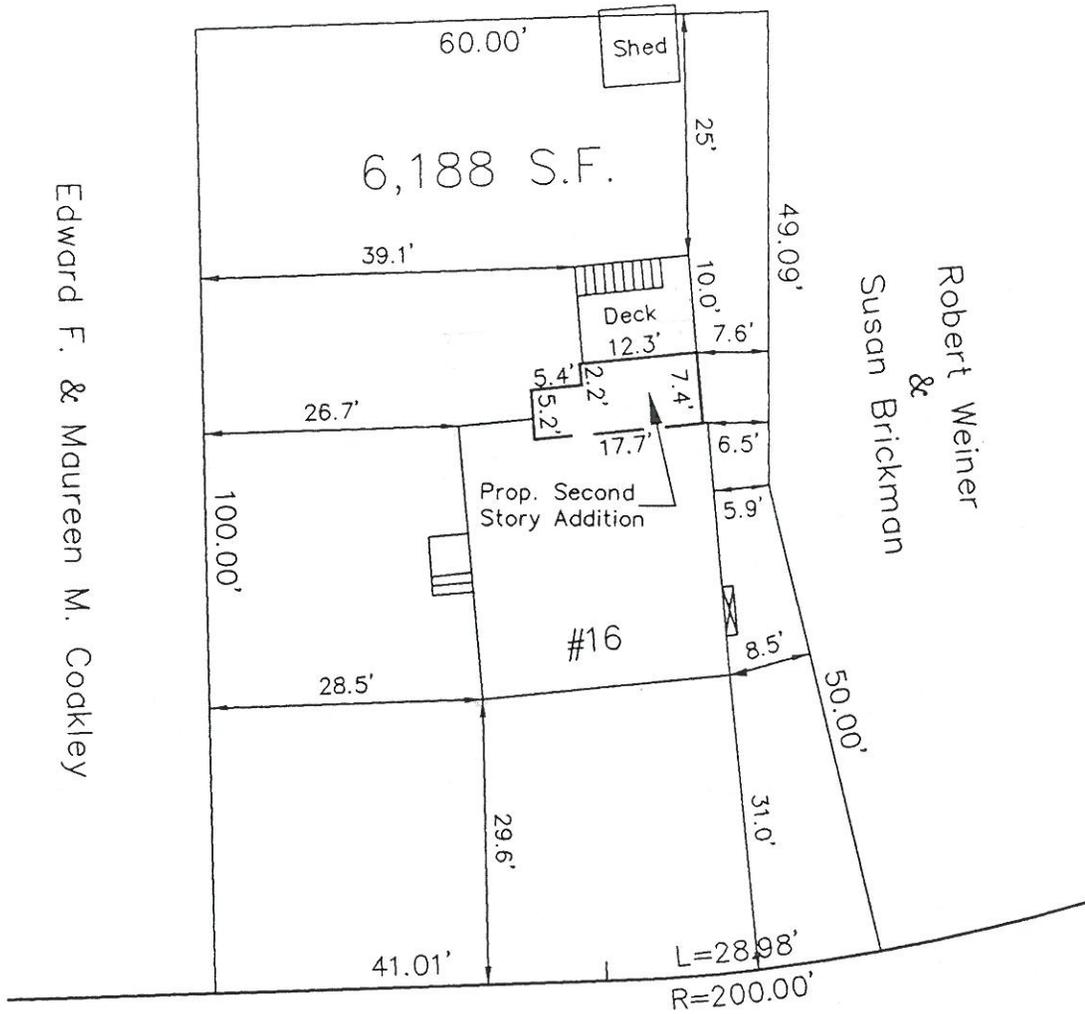

Robert A. Bastille

RECEIVED OFFICE OF THE TOWN CLERK, MA 02026
FEB 11 08 23 AM '97

Samuel P. & Cynthia B. Hunt



Edward F. & Maureen M. Codkley



Robert Weiner
&
Susan Brickman

CLEVELAND ROAD



PLAN OF LAND
IN
WELLESLEY MASS.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
JAN 13 11 02 AM '97

TO ACCOMPANY THE PETITION OF
JEFFREY D. & ROBERTA L. MORGENSTERN
16 CLEVELAND ROAD, WELLESLEY

U.M. SCHIAVONE, P.L.S. NEWTON, MASS.
SCALE: 1"=20' SEPTEMBER 20, 1996