

**ZONING BOARD OF APPEALS**

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

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1998 MAY -8 A 8:01

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ZBA 98-29

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, April 30, 1998 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 construction of a 4 foot by 10.5 foot one-story addition, with less than the required left side yard setback, at their nonconforming dwelling with less than the required front, right and left 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 structure.

On April 7, 1998, 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 Lisa Siegel, who was accompanied by her architect, David Buchanan. Mr. Buchanan said that the petitioners came before the Board in November to request a Special Permit for a one-story addition containing a family room and master bedroom/study, which was granted. They are presently before the Board to add four more feet to provide a corridor to separate the master bedroom from the rest of the house. The addition will be less nonconforming than the existing house.

No other person present had any comment on the petition.

Statement of Facts

The subject dwelling is located at 21 Cleveland Road, in a Single Residence District, on an 8,033 square foot lot, and has a minimum front clearance of 29.7 feet, a minimum right side yard clearance of 8.2 feet and a minimum left side yard clearance of 9.4 feet.

In November, 1997, the petitioners were granted a Special Permit to construct a one-story "L-shaped" 40.2 foot by 22.5 foot addition, which had less than the required left and right side yard setbacks (ZBA 97-101).

The petitioners are now requesting a Special Permit/Finding that the construction of a 4 foot by 10.5 foot addition, which will extend the previous addition 4 feet toward the left lot line,

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with a minimum left side yard clearance of 15.3 feet, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated February 23, 1998, drawn by Robert F. Drake, Registered Professional Land Surveyor; Floor Plans and Elevations dated October 26, 1998, drawn by Horst Buchanan Architects, Inc.; and photographs were submitted.

On April 14, 1998, 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 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.

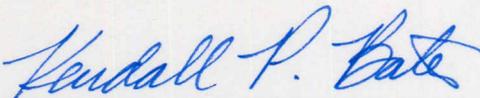
It is the finding of this Authority that the proposed 4 foot by 10.5 foot one-story addition will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling as the addition will neither intensify the existing nonconformance, nor create additional nonconformity.

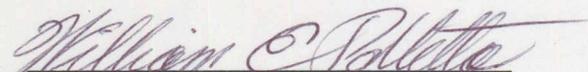
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the requested addition, subject to construction in accordance with the submitted plot plan and construction drawings.

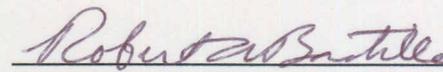
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

cc: Planning Board
Inspector of Buildings
edg


Kendall P. Bates, Acting Chairman


William E. Polletta


Robert A. Bastille

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