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

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992 1998 JUN -2 A 8:07

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ZBA 98-42

Petition of Thomas W. and Joanne Sheppard
28 Orchard Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 21, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of THOMAS W. AND JOANNE SHEPPARD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the partial demolition of an existing nonconforming detached one-car garage and construction of a 15.5 foot by 20.4 foot expanded detached one-car garage, with less than the required left side yard setback, at their property at 28 ORCHARD STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 30, 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 Walter Slaboden, the Sheppards' builder, representing the Sheppards, who were in Europe. The Board had no questions regarding the petition, and no other person present had any comment on the petition.

Statement of Facts

The subject property is located at 28 Orchard Street, in a Single Residence District, on a 12,492 square foot lot and contains a conforming dwelling and a nonconforming detached one-car garage with a minimum left side yard clearance of 18 feet.

The petitioners are requesting a Special Permit/Finding that the partial demolition of the existing nonconforming garage and construction of a 15.5 foot by 20.4 foot expanded detached one-car garage, with a minimum left side yard clearance of 18 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated April 27, 1998, drawn by Bruce Bradford, Professional Land Surveyor; Floor Plans and Elevations; and photographs were submitted.

On May 12, 1998, the Planning Board reviewed the petition and had no objection to the granting of the request.

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Decision

This Authority has made a careful study of the submitted materials. The subject detached garage does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

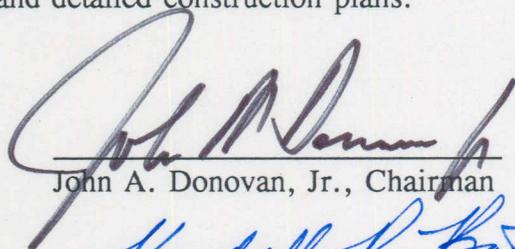
It is the finding of this Authority that the partial demolition and construction of the 15.5 foot by 20.4 foot expanded detached one-car garage will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the new garage will not intensify the existing nonconformance, nor will it create new nonconformity.

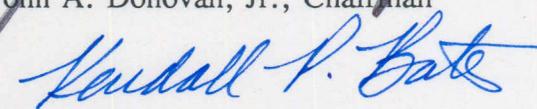
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the expanded detached one-car garage, subject to construction in accordance with the submitted plot plan and construction drawings.

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



John A. Donovan, Jr., Chairman


Kendall P. Bates



William E. Polletta

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PLAN OF LAND IN
WELLESLEY, MASS.

28 ORCHARD STREET
SHOWING PROPOSED ADDITIONS

SCALE 1 IN. = 20 FT APRIL 27, 1998

PREPARED BY:
EVERETT M. BROOKS COMPANY
49 LEXINGTON STREET
WEST NEWTON MA 02165
(617) 527-8750

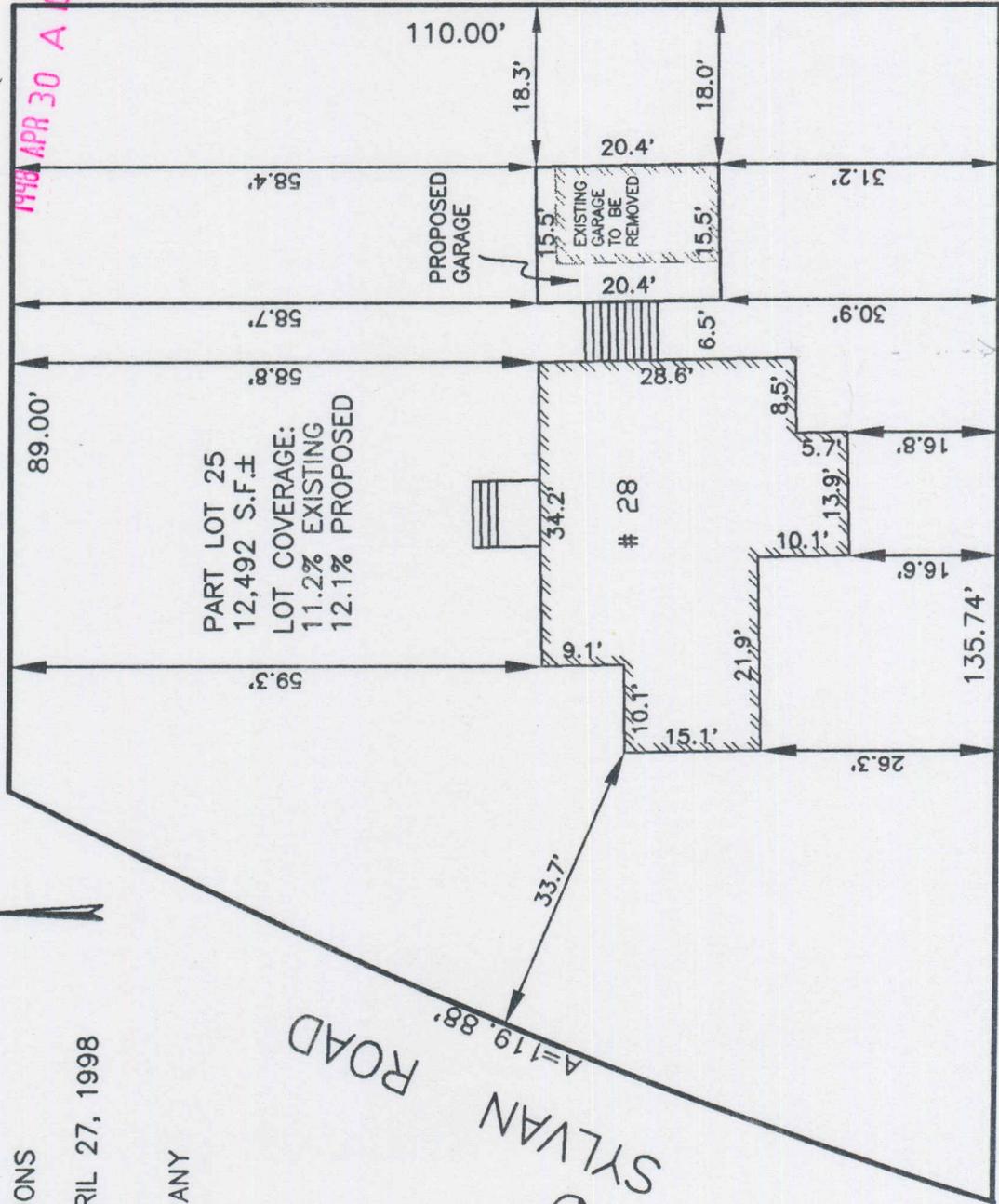
PROJECT NO. 18889boa



ORCHARD STREET

TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

1998 APR 30 A 0: 52



SYLVAN ROAD