TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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

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ZBA 98-48
Petition of Timothy R. and Jennifer K. Loff
31 Sunset Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 25, 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 TIMOTHY R. AND JENNIFER K. LOFF requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their nonconforming dwelling with less than the required left side yard setback and less than the required front setback from GRANITE STREET at 31 SUNSET ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Raising the ridge line of the roof above the existing nonconforming 10.2 foot by 19.5 foot garage and 4.6 foot by 8.5 foot breezeway 9 feet to accommodate a second story addition of the same dimensions with less than the required left side yard setback. There will be no change in the footprint.

2. Raising the ridge line of the roof above the existing nonconforming enclosed porch 8.5 feet to accommodate a 10 foot by 16.6 foot second story addition with less than the required front setback from Granite Street. There will be no change in the footprint.

On June 8, 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 Timothy Loff, who said that they have a two-story, two bedroom cape on a lot with frontage on both Sunset Road and Granite Street. The garage/breezeway is at one end of the house, with a small family room at the other end. They have two daughters who share one bedroom. They would like to build a third bedroom over the garage and add a bathroom and a closet over the family room. The kitchen will be extended into the breezeway with an egress added to the rear of the property. The neighbors on both sides have no problem with the petition.

The Board commented that the Planning Board had no problem with the addition above the family room, but objected to the one over the garage, as it would bring active living space too close to the lot line.

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Robert Payne, 25 Sunset Road, expressed enthusiastic support for the petition.

Statement of Facts

The subject property is located at 31 Sunset Road, on the corner of Granite Street, in a Single Residence District, on a 7,557 square foot lot, with a minimum left side yard clearance of 17.5 feet and a minimum front yard clearance of 26.4 feet from Granite Street.

The petitioners are requesting a Special Permit/Finding that the raising of the ridge line of the roof 9 feet above their nonconforming 10.2 foot by 19.5 garage and 4.6 foot by 8.5 breezeway to accommodate a second story addition of the same dimensions, which will have a minimum left side yard clearance of 17.5 feet; and the raising of the ridge line of the roof 8.5 feet above the existing enclosed porch to accommodate a 10 foot by 16.6 foot addition, with a minimum front yard clearance of 26.4 feet from Granite Street, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Neither second story addition will result in a change in the footprint.

A Plot Plan dated May 4, 1998, drawn by David G. Greenhalgh, Professional Land Surveyor: Floor Plans and Elevations dated 4/6/98; and photographs were submitted.

On June 23, 1998, the Planning Board reviewed the petition and voted to offer no objection to the proposed addition over the porch, but to oppose the addition over the garage, as it would bring active living space within the required side yard setback area.

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 addition above the garage/breezeway nor the addition above the enclosed porch will be substantially detrimental to the neighborhood as neither will intensify the existing nonconformance nor create additional nonconformance, as the footprint of the dwelling will not change with the construction of said additions.

Therefore, the requested Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for both additions, 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.

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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

Robert A. Bastille

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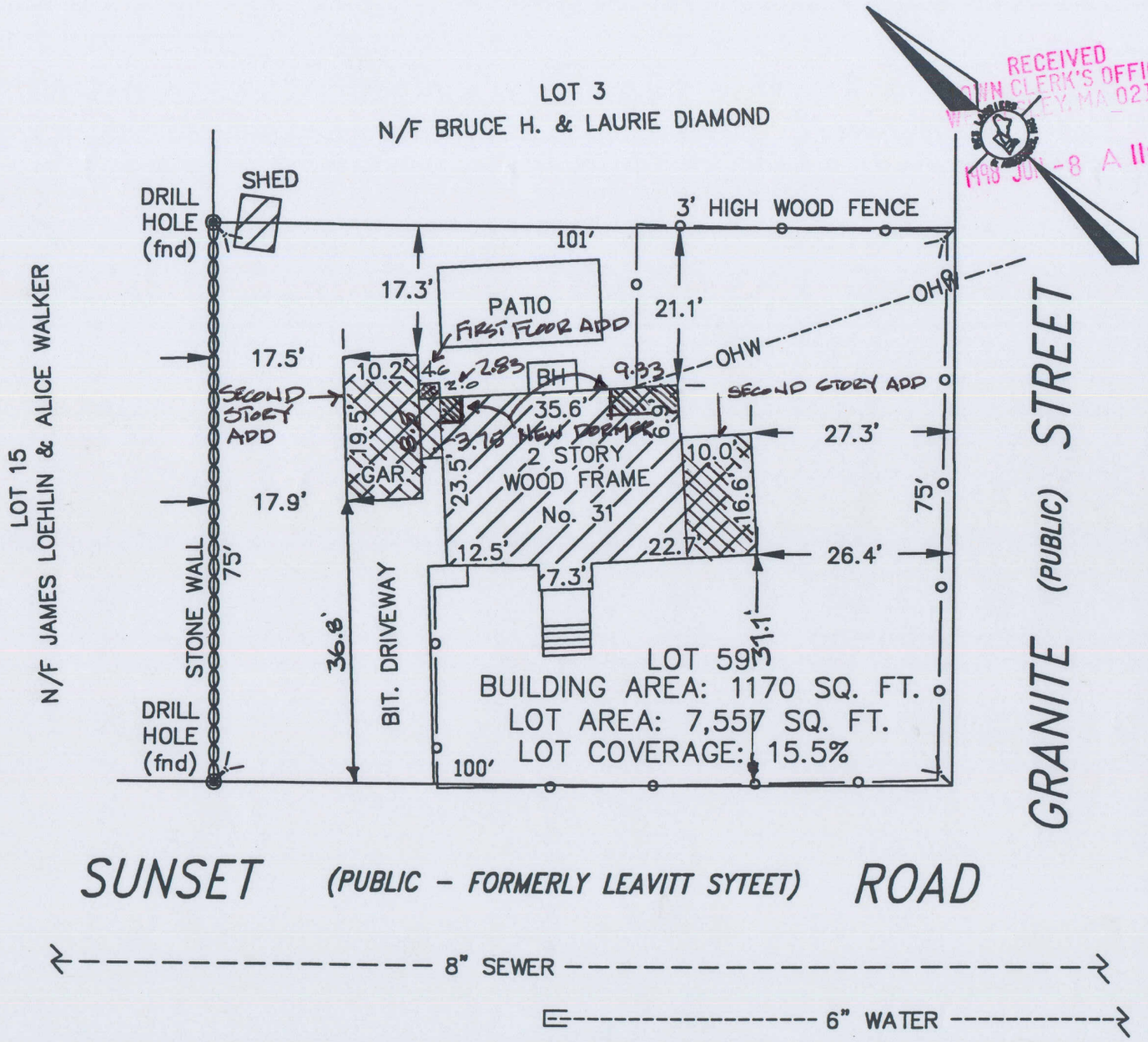

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COMMONWEALTH OF MASSACHUSETTS
DAVID G. GREENHALGH
NO. 34616
PROFESSIONAL LAND SURVEYOR

David G. Greenhalgh 5/4/98

SPECIAL PERMIT PLAN
FOR
31 SUNSET ROAD
WELLESLEY
MASSACHUSETTS

SCALE: 1"=20' APRIL 27, 1998

PREPARED FOR: V. ROBERT GAGOSIAN
115 WASHINGTON STREET
WELLESLEY, MA 02181

JOB NUMBER: 105300	ACAD FILE: 105300BP.dwg

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