

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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1998 SEP -8 A 8:51

JOHN A. DONOVAN
KENDALL P. BATES
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EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208SUMNER H. BABCOCK
ROBERT A. BASTILLE
CYNTHIA S. HIBBARDZBA 98-70
Petition of Karen A. Haberly
24 Paine Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 20, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of KAREN A. HABERLY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the expansion of her existing nonconforming detached one-car garage, with less than the required right side yard setback, by the addition of a second 12.5 foot by 24 foot bay, at her property at 24 PAINE STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 3, 1998, the petitioner 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 Reed Smith, husband of the petitioner, who said they would like to achieve a two-car garage without demolishing the existing one-car garage. When they appeared before the Board nine months ago, they had requested a two-story garage with the second floor to be used as office space. They withdrew that petition without prejudice.

Mr. Smith said that now their only intention is to provide space for a second car. There will be no second story on the garage. The height of the roof of the existing garage will not increase.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming detached garage is located at 24 Paine Street, in a Single Residence District, on a 13,290 square foot lot, and has a minimum right side yard clearance of 7.3 feet.

The petitioner is requesting a Special Permit/Finding that the expansion of said garage by addition of a 12.5 by 24 foot bay, which will conform to the right side yard setback, on the left side of the existing nonconforming garage, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated July 20, 1998, drawn by Malcolm N. Johnston, Professional Land Surveyor; Existing and Proposed Elevations; and photographs were submitted.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. The subject detached one-car garage does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

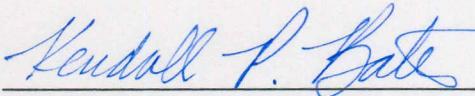
It is the finding of this Authority that the proposed 12.5 foot by 24 foot expansion of the existing nonconforming detached garage will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as said expansion in and of itself conforms to the Zoning Bylaw and will neither intensify the existing nonconformance nor will it create additional nonconformity.

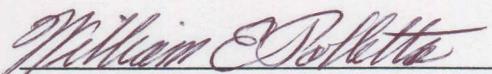
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the 12.5 foot by 24 foot garage expansion, subject to construction in accordance with the submitted plot plan and construction drawings.

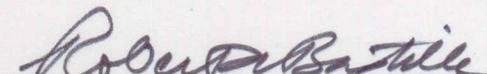
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

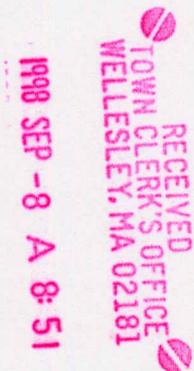
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
edg


Kendall P. Bates, Acting Chairman

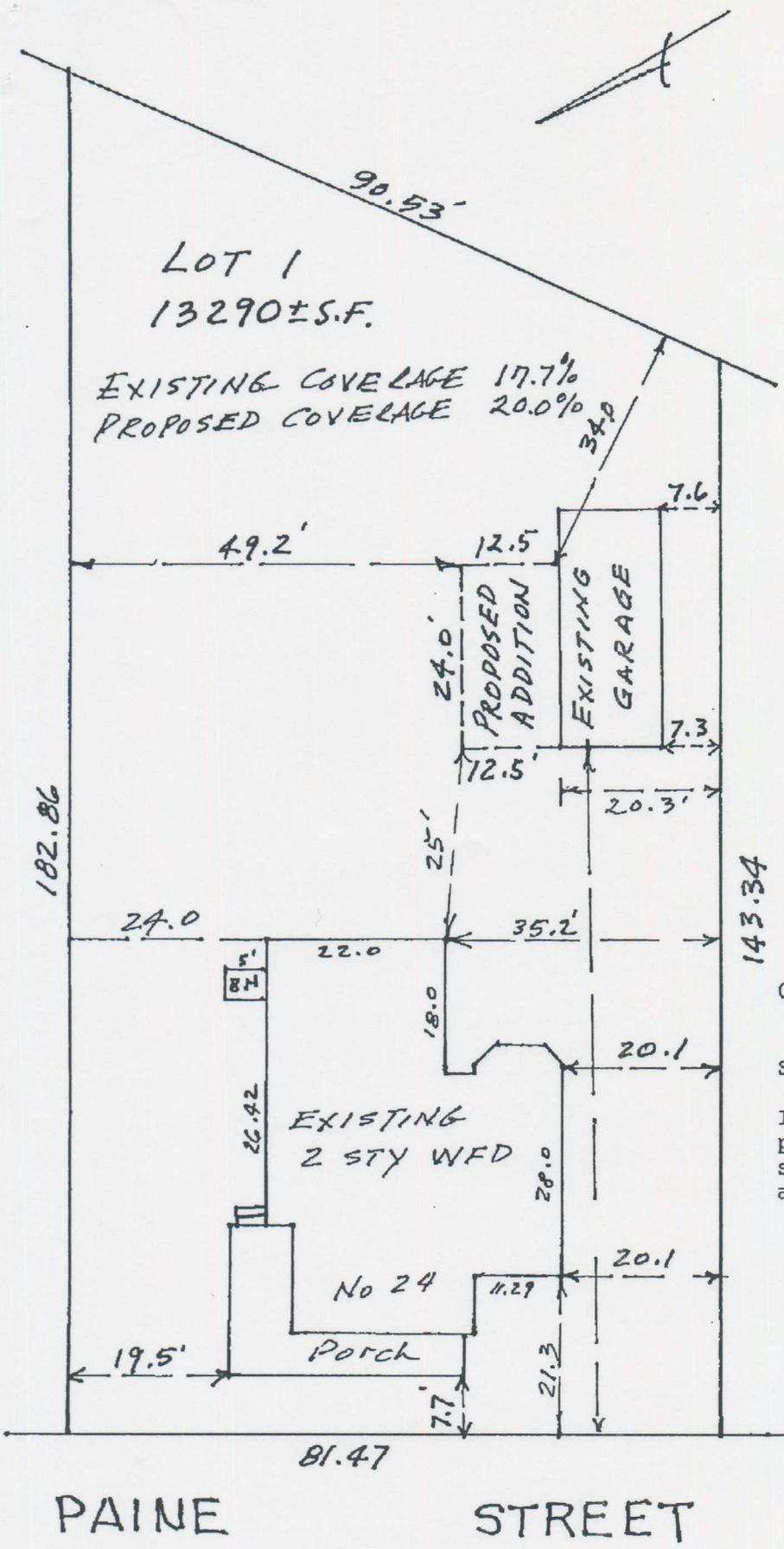

William E. Polletta


Robert A. Bastille



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1998 AUG -3 A 11: 16



COMMONWEALTH OF MASSACHUSETTS
MALCOLM N. JOHNSTON
NO. 27291
PROFESSIONAL
LAND SURVEYOR

Malcolm N. Johnston
7-20-98

CERTIFIED PLOT PLAN OF LAND
IN
WELLESLEY - MASS.
SCALE: 1"=20' 7/20/98

I certify that this plan is prepared from an instrument survey and the buildings are located as shown.

Malcolm N. Johnston PLS
298 Central Avenue
Dedham, Mass. 02026
781 326 0482