

**ZONING BOARD OF APPEALS**

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

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1998 FEB 12 A 10:47

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ZBA 98-7

Petition of Alan and Cynthia Grant
20 Windsor Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 29, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ALAN AND CYNTHIA GRANT requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition and reconstruction of a nonconforming 15 foot by 7.5 foot shed attached to their nonconforming detached garage, with less than the required rear and right side yard setbacks, on their property at 20 WINDSOR ROAD, in a Single Residence District, is not substantially more detrimental to the neighborhood than the original nonconforming structure. There was no change in the footprint. Said shed was demolished and reconstructed without a building permit and in violation of the Zoning Bylaw.

On January 12, 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 were Alan and Cynthia Grant. Mr. Grant said that they were requesting approval after the fact for the demolition and reconstruction of the shed, which is identical to their original shed.

No other person present had any comment on the petition.

Statement of Facts

The subject 7.5 foot by 15 foot nonconforming shed attached to a nonconforming detached garage is located at the right rear corner of the premises at 20 Windsor Road, on a 15,000 square foot lot, in a Single Residence District. The garage and shed have a minimum right side yard clearance of 8.5 feet and the shed has a minimum rear yard clearance of 6.3 feet.

In October, 1997, the petitioners began repairs on the garage and attached storage shed. In the process, the carpenter determined that the shed could not be salvaged. The shed was demolished and reconstruction commenced when the petitioners were contacted by the Ed Phaneuf, Building Inspector that neither a demolition permit nor a building permit had been issued for the work. Mr. Phaneuf allowed the completion of the repairs on the condition that the petitioners appeal to the Zoning Board for a Special Permit/Finding.

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The petitioners are requesting a Special Permit/Finding that the demolition and reconstruction of their 7.5 foot by 15 foot shed, with a minimum right side yard setback of 8.5 feet and a minimum rear yard setback of 6.3 feet, shall not be substantially more detrimental to the neighborhood than the original structure. There has been no change in the footprint.

An As-Built Plot Plan dated 11/19/97, drawn by Clifford E. Rober, Professional Land Surveyor; and photographs were submitted.

On January 20, 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 shed does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority, although it does not condone demolition and/or construction without the proper permits, that the petitioners have attempted to rectify their oversight as quickly as possible.

It is the further finding of this Authority that the demolition and reconstruction of the 7.5 foot by 15 foot shed has neither intensified the prior nonconformance nor created additional nonconformance, as the reconstructed shed has the same dimensions as the original shed.

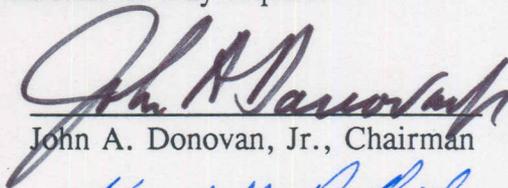
Therefore, a Special Permit is granted for said shed, as voted unanimously by this Authority at the Public Hearing subject to the following condition:

1. The petitioners shall submit applications for a demolition permit and a building permit to the Inspector of Buildings within 30 days from the date of this decision.

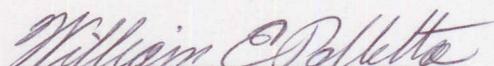
The Inspector of Buildings is hereby authorized to issue said permits upon receipt and approval of said applications and any additional material he may require.

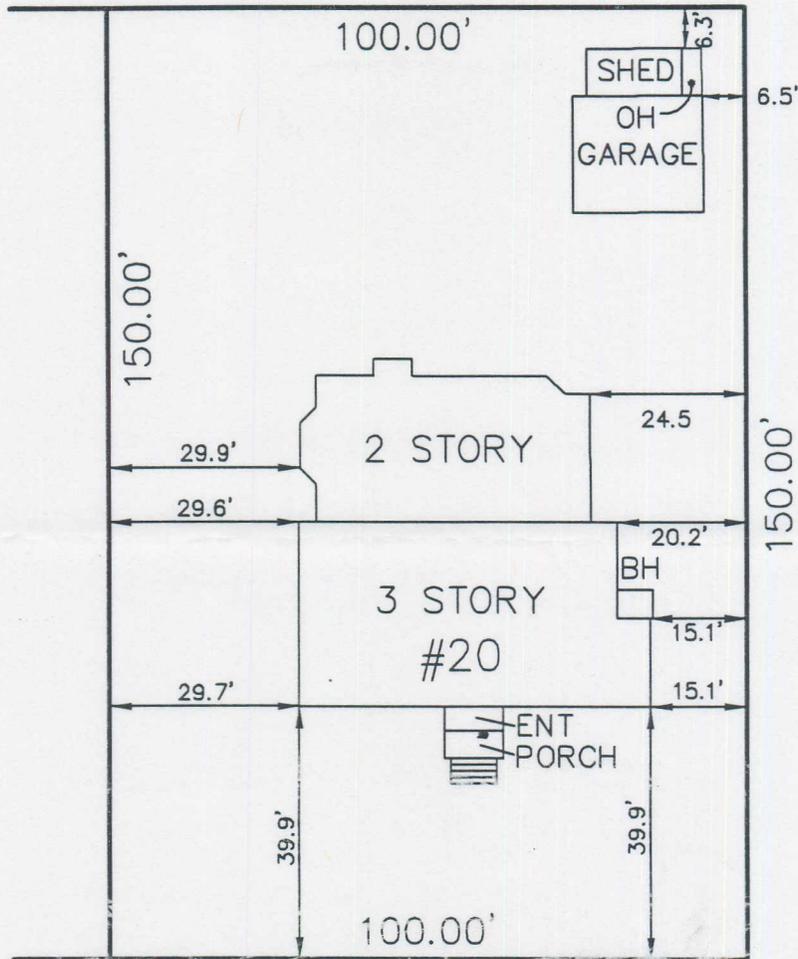
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

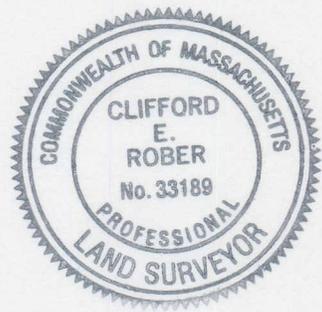


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WINDSOR ROAD

OWNER: ALAN & CYNTHIA GRANT

I HEREBY CERTIFY THAT THE BUILDING IS LOCATED AS SHOWN.



CLIFFORD E. ROBER, PLS DATE 11/19/97

AS-BUILT PLAN
#20 WINDSOR ROAD
 IN
WELLESLEY, MA
 (NORFOLK COUNTY)

SCALE: 1" = 30' DATE: 11/19/1997

0 30 60 90 ft

H & R SURVEY
 1068A MASSACHUSETTS AVENUE
 ARLINGTON, MA 02174
 (617) 648-5533
 998AB1.DWG