

TOWN OF WELLESLEY



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WELLESLEY, MA 02181

1999 OCT -5 A 11: 32

## ZONING BOARD OF APPEALS

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

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ZBA 99-71

Petition of Hardy Kornfeld  
5 Garrison Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 23, 1999 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 HARDY KORNFELD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing nonconforming one-car 10.6 foot by 19.6 foot garage and construction of a new two-story 10.6 foot by 20 foot addition with garage under and living space above, with less than the required right side yard setback, at his nonconforming dwelling with less than the required left and right side yard setbacks, at 5 GARRISON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

On September 7, 1999, 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 Hardy Kornfeld, who said he would like to add a second bathroom and additional closet space to their home which has three bedrooms and one full bath. The existing garage is built on an inadequate foundation. In order to add a second story, it is necessary to demolish the existing garage and construct a new two-story addition.

The Board noted that the footprint will basically stay the same. Dr. Kornfeld said that the architect advised that the proposed footprint have a length of 20 feet rather than the 19.6 foot length of the existing garage, but there will be no further encroachment on the right side line. There will be no basement space.

No other person present had any comment on the petition.

### Statement of Facts

The subject property is located at 5 Garrison Road, in a Single Residence District, on a 6,520 square foot lot and has a minimum right side yard clearance of 12.6 feet.

The petitioner is requesting a Special Permit/Finding that the demolition of the existing 19.6 foot by 10.6 foot nonconforming garage, with a minimum right side yard clearance of 12.6 feet, and construction of a 10.6 foot by 20 foot two-story addition with a minimum right side yard clearance of 12.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated September 1, 1999, drawn by George N. Giunta, Registered Land Surveyor; Existing and Proposed floor plans and elevations dated August 2, 1999, drawn by Rick Eifler, Architect; and photographs were submitted.

On September 21, 1999, the Planning Board reviewed the petition and offered no objection to granting the petition.

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 demolition of the existing nonconforming garage and construction of the 10.6 foot by 20 foot two-story addition, with less than the required right side yard setback, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the addition will neither 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 the proposed two-story addition, subject to construction in accordance with the submitted plot plan and construction drawings.

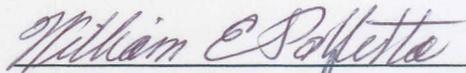
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

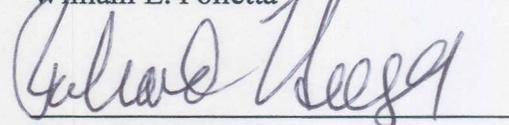
Cc: Planning Board  
Inspector of Buildings  
edg



Kendall P. Bates, Chairman



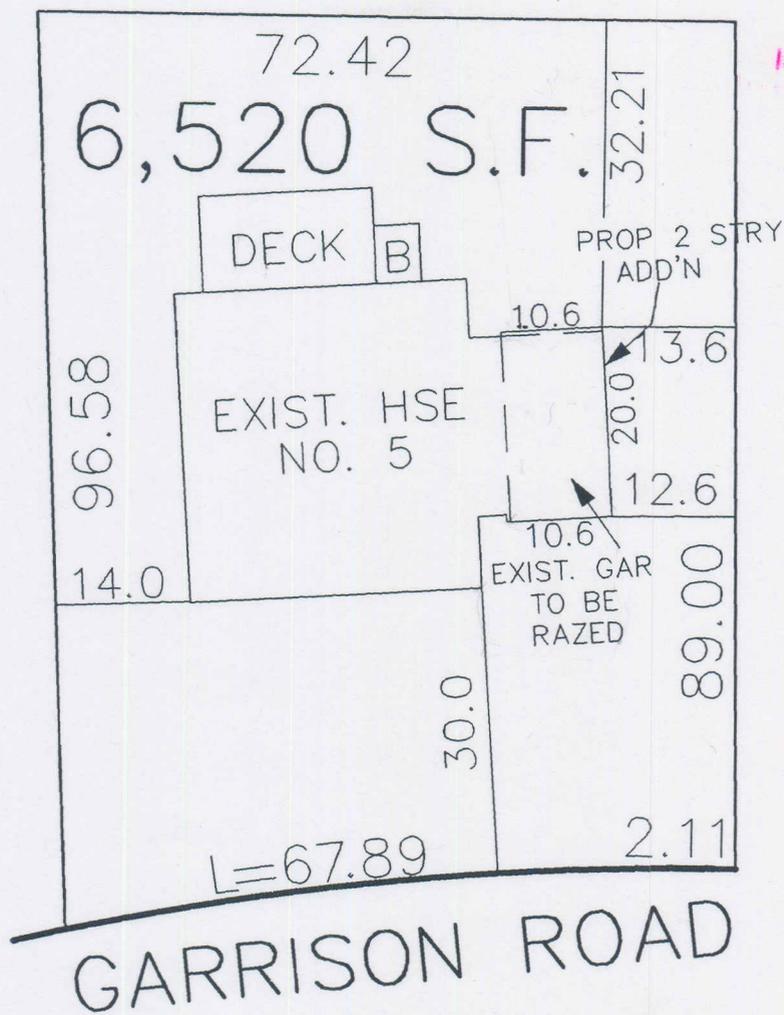
William E. Polletta



Richard L. Seegel

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1999 SEP -7 P 2:04



PLOT PLAN OF LAND  
WELLESLEY-----MASS.

SEPT. 1, 1999 SCALE 1"=20'  
NEEDHAM SURVEY ASSOCIATES, INC.  
281 CHESTNUT ST.  
NEEDHAM, MA.

LOT COV.=22.16%  
OWNER: HARDY KORNFELD

