



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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Executive Secretary
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Aug 9 9 30 AM '91
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WELLESLEY, MA 02181

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 91-37
Petition of Robert A. and Barbara L. Carlino
43 Overbrook Drive

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 25, 1991 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT A. AND BARBARA L. CARLINO requesting a Finding pursuant to the provisions of Section XVII and Section XXIV-D of the Zoning Bylaw that the structural change and expansion of their pre-existing nonconforming dwelling, with less than the required front setback and less than the required left side yard at 43 OVERBROOK DRIVE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said structural change and expansion shall consist of removal of an existing porch and eave and replacement of an existing roof with a mansard roof, which will include raising the ridge line of said roof approximately 8 feet to accommodate additional attic storage space.

On July 9, 1991, the petitioners requested 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 Robert and Barbara Carlino. Mr. Carlino said that they would like to raise the roof in order to have it conform to the roof of their addition, which is under construction. The roof line of the original house is esthetically unsatisfactory in relation to the new addition, but changing the roof requires raising the ridge line. As the house is too close to the left side lot line, approval by the Board of Appeals is needed.

Statement of Facts

The nonconforming dwelling is located at 43 Overbrook Drive, in a Single Residence District, on a 13,092 square foot lot, with a minimum front setback of 21.40 feet and a minimum left side yard clearance of 14.01 feet. The minimum allowed front setback is 30 feet and the minimum allowed side yard clearance is 20 feet.

On June 27, 1988, the petitioners were issued a building permit to construct a two-story addition with a two-car garage under, approximately 38 feet 8 inches square, and a deck. The addition, still under construction, complies with all zoning requirements.

The petitioners are requesting a Finding pursuant to Section XVII of the Zoning Bylaw that the structural change to their pre-existing nonconforming dwelling will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The structural change consists of replacement of the roof of the original nonconforming dwelling with a new roof, and raising the ridge line of the new roof approximately 8 feet to accommodate additional attic storage space and to match the height of the roof of the new addition.

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A Plot Plan dated July 2, 1991, drawn by U.M. Shiavone, Professional Land Surveyor; elevation drawings, and photographs were submitted.

On July 16, 1991, the Planning Board reviewed the petition and voted that the project would be substantially more detrimental to the neighborhood than the existing nonconforming structure based on the additional height and bulk to be constructed within the inadequate side yard.

Decision

This Authority has made a careful study of all materials presented. The existing dwelling is nonconforming in regard to its inadequate front and left side setbacks, and therefore requires a Finding pursuant to Section XVII of the Zoning Bylaw that any expansion and structural change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

This Authority is of the unanimous opinion that the addition under construction will provide ample space for the family and that further expansion for attic storage space is unnecessary. The house with the addition presents a massive structure which is not in keeping with the other homes in the neighborhood.

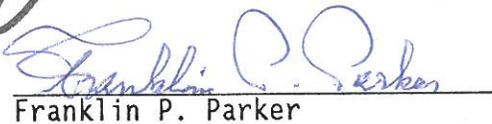
It is the unanimous decision of this Authority that the additional height and bulk which would be created by the raising of the ridge line of the existing roof approximately 8 feet within the inadequate left side yard would intensify the nonconforming structure, and would be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, this request for a Finding is denied and this petition is dismissed.

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


Franklin P. Parker


William E. Polletta

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Note:

- Lot coverage will be 2389[±] s.f. or 18.25%.

Town of Wellesley
122.82

Lots 380 & 381
13,092 s.f.

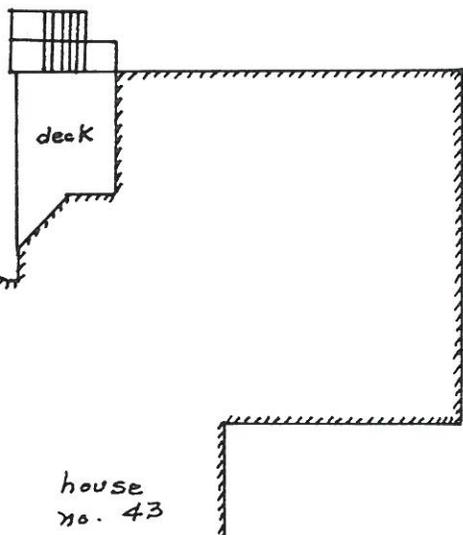
Albert A. & Galina Bertlesen

91.74

14.24 to corner
13.99 to overhang

14.01 to corner
13.76 to overhang

21.40 to corner



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141.05
Jun 9 10 09 AM '91

Henry J. & Bernice Giovenella

OVERBROOK DRIVE

PLAN OF LAND
IN

WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
ROBERT A. & BARBARA L. CARLINO
43 OVERBROOK DRIVE
WELLESLEY



SCALE 1 IN = 20 FT
U. M. SCHIAVONE
NEWTON LOWER FALLS

JULY 2, 1991
LAND SURVEYOR
MASS.