



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

DEC 30 9 40 AM '92

JOHN A. DONOVAN, JR., Chairman
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ZBA 92-66
Petition of John D. and Lee E. Jeffries
43 Abbott Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 17, 1992 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 JOHN D. AND LEE E. JEFFRIES requesting a Special Permit/Special Permit Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the proposed construction of the following additions to their pre-existing nonconforming dwelling with less than the required right side yard, at 43 ABBOTT ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A one-story addition approximately 12 feet 7.5 inches by 19 feet 2 inches at the right rear corner of the dwelling with less than the required right side yard.
2. A deck extension approximately 9 feet 9 inches by 19 feet 2 inches at the right rear corner of the dwelling with less than the required right side yard.

On November 30, 1992, 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 John and Lee Jeffries. Mr. Jeffries said that the addition would be an expansion of the kitchen to include a seating area.

The Board stated that the further encroachment of the proposed construction to 8.3 feet from the right side line presented a problem, particularly as the house is only 9.2 feet from the right side line.

The Board noted that the Planning Board had recommended denial of the petition, and asked if there was any opposition from the neighbors. The Jeffries responded that they had full support from the neighbors as the addition would be a vast improvement over the present condition of that corner of the house.

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The Board suggested that the proposed addition be moved back one foot so that the 9.2 foot minimum clearance would be maintained along almost all of the right side lot line. The Jeffries were amenable to this suggestion.

No other persons present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located on a 10,000 square foot lot, at 43 Abbott Road, in a Single Residence District, and has a minimum right side yard clearance of 9.2 feet from the right rear corner of the dwelling.

The petitioners are requesting a Special Permit/Special Permit Finding that the following proposed additions to their pre-existing nonconforming dwelling will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. A one-story addition approximately 19.3 feet by 12.5 feet with a minimum right side yard clearance of 8.7 feet.
2. A deck extension approximately 19.3 feet by 9.7 feet with a minimum right side yard clearance of 8.3 feet.

A Plot Plan dated November 22, 1992, drawn by Robert F. Drake, Registered Professional Land Surveyor; unsigned construction drawings and elevations dated November 12, 1992; and photographs were submitted.

On December 8, 1992, the Planning Board reviewed the petition and voted to recommend denial of the petition as the proposed construction would increase the bulk of the structure in the side yard setback area and would render the nonconforming structure substantially more detrimental to the neighborhood.

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.

In the opinion of this Authority both the proposed one-story addition and the deck will not only intensify the existing nonconformities, but will result in additional ones according to the submitted plot plan.

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It is the opinion of this Authority that the reduction of the width of the proposed addition and the proposed deck to 18.3 feet would still result in an intensification of the existing nonformities, but the additional nonconformity of .1 foot at the right rear corner of the deck would be de minimus and could be allowed.

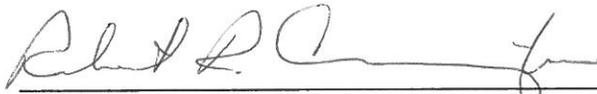
Therefore, this Authority finds that a one-story addition approximately 18.3 feet by 12.5 feet with a minimum right side yard clearance of 9.7 feet; and a deck extension approximately 18.3 feet by 9.7 feet with a minimum right side yard clearance of 9.3 feet would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

This Authority further finds that prior to the issuance of a Building Permit, the petitioners must submit to the office of the Zoning Board of Appeals, a revised plot plan showing the aforementioned changes in the dimensions and setbacks of the proposed addition and deck extension.

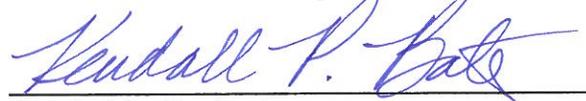
The Inspector of Buildings is hereby authorized to issue a permit for the construction subject to the petitioners' compliance with the above condition, and upon receipt and approval of a building application and detailed construction plans.

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



Robert R. Cunningham, Acting Chairman



Kendall P. Bates



William E. Polletta

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Nov 30 9 47 AM '92

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Area = 10,000 sf

CLOVELLY ROAD

ABBOTT ROAD



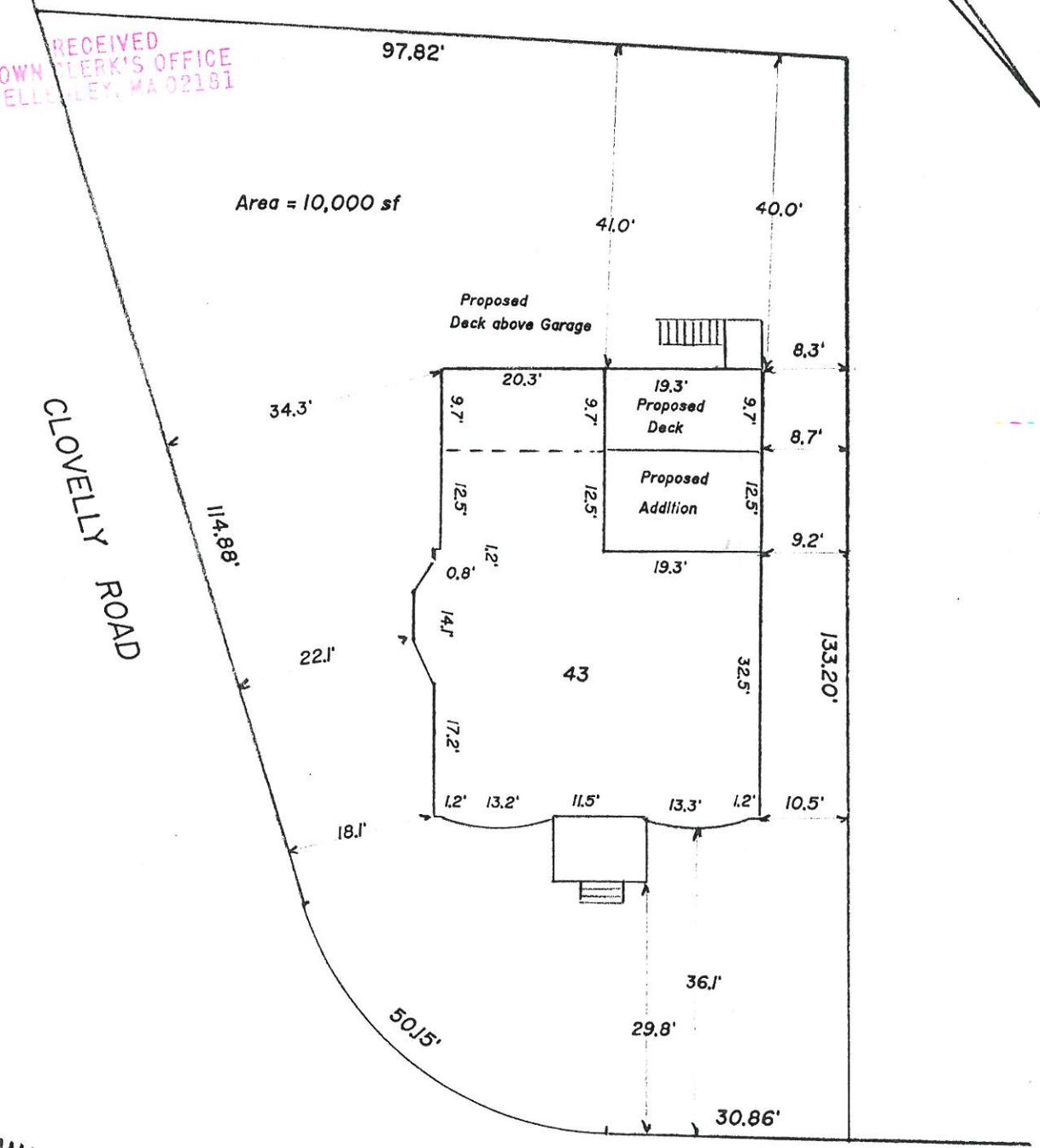
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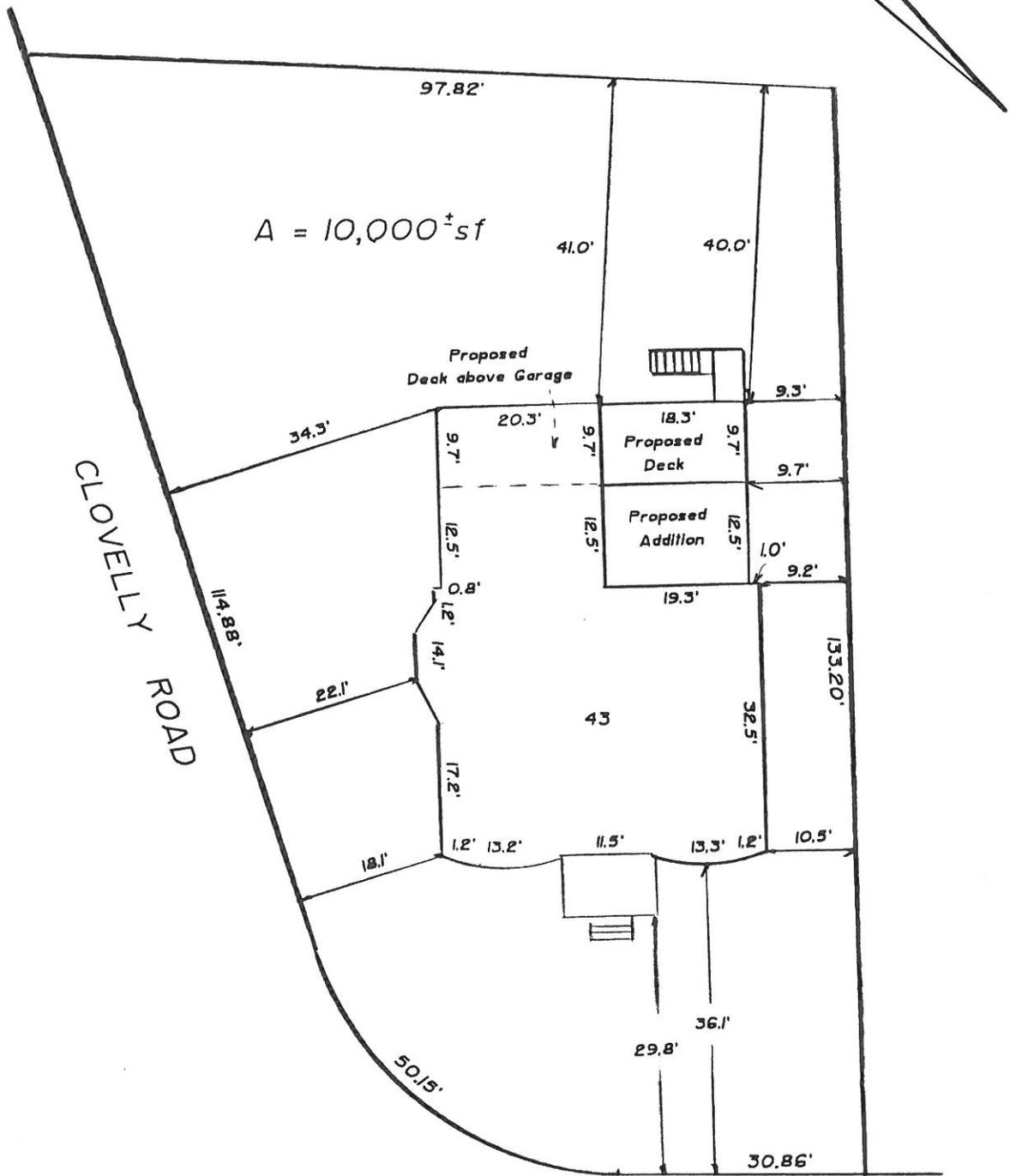
APPLICANT JOHN JEFFRIES

CERTIFIED PLOT PLAN
IN
WELLESLEY MASS

SCALE 1" = 20' NOV. 22, 1992

DRAKE ASSOCIATES INC.
770 GROVE STREET FRAMINGHAM MASS
CIVIL ENGINEERS LAND SURVEYORS





W. F. Drake

APPLICANT JOHN JEFFRIES

ABBOTT ROAD

CERTIFIED PLOT PLAN
IN
WELLESLEY, MASS.

SCALE 1" = 20' JANUARY 10, 1993

DRAKE ASSOCIATES, INC.

770 GROVE STREET FRAMINGHAM, MASS.
CIVIL ENGINEERS LAND SURVEYORS