

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATESELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019 X208May 5 1 12 PM '93  
WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181

ZBA 93-34

Petition of William H. and Shirley J. Emerson  
115 Westgate Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 22, 1993 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street on the petition of WILLIAM H. AND SHIRLEY J. EMERSON requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the proposed construction of a second story addition, approximately 20.5 feet by 17 feet, over a pre-existing nonconforming garage with less than the required left side yard, at 115 WESTGATE ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. Said addition will also have less than the required left side setback.

On April 5, 1993, 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 was William Emerson, who said that the proposed addition, which will contain a second bathroom and additional storage space, will be less nonconforming than the existing nonconforming garage, as it will be 19.45 feet from the left side line. The addition will not extend to the rear of the garage; and there will be no increase in the footprint.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 115 Westgate Road, in a Single Residence District, on a 20,219 square foot lot, with a minimum left side yard clearance of 18.88 feet from the left rear corner of the garage.

In 1987, the petitioners requested and were granted a variance to bring the nonconforming dwelling, with a minimum left side setback of 18.88 feet, into conformance with the Zoning Bylaws (ZBA 87-23). The house was built in 1960, but the nonconformity was not discovered until 1987.

The petitioners are requesting a Finding that the construction of a second story addition approximately 17 feet by 20.5 feet over the existing garage shall not be substantially more

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May 5 1 12 PM '93

detrimental to the neighborhood than the existing nonconforming structure. Said addition will have a minimum left side yard clearance of 19.57 feet.

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A Plot Plan dated March 30, 1993, drawn by George N. Giunta, Registered Land Surveyor; floor plans and elevations dated 12/16/92, revised 3/30/93, drawn by Streibert Associates; and photographs were submitted.

On April 13, 1993, the Planning Board reviewed the petition and voted to offer no objection to the granting of a favorable Finding.

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.

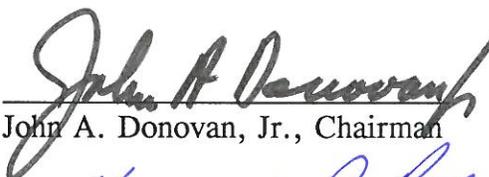
It is the opinion of this Authority that the proposed second story addition will intensify the existing nonconformity, but will not create additional nonconformities, as said addition will present less of an encroachment on the left side yard than the existing nonconforming garage.

Therefore, this Authority unanimously finds that the proposed construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, subject to construction in accordance with the submitted plot plan and construction drawings.

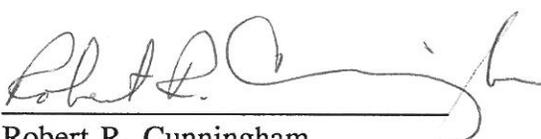
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

  
John A. Donovan, Jr., Chairman

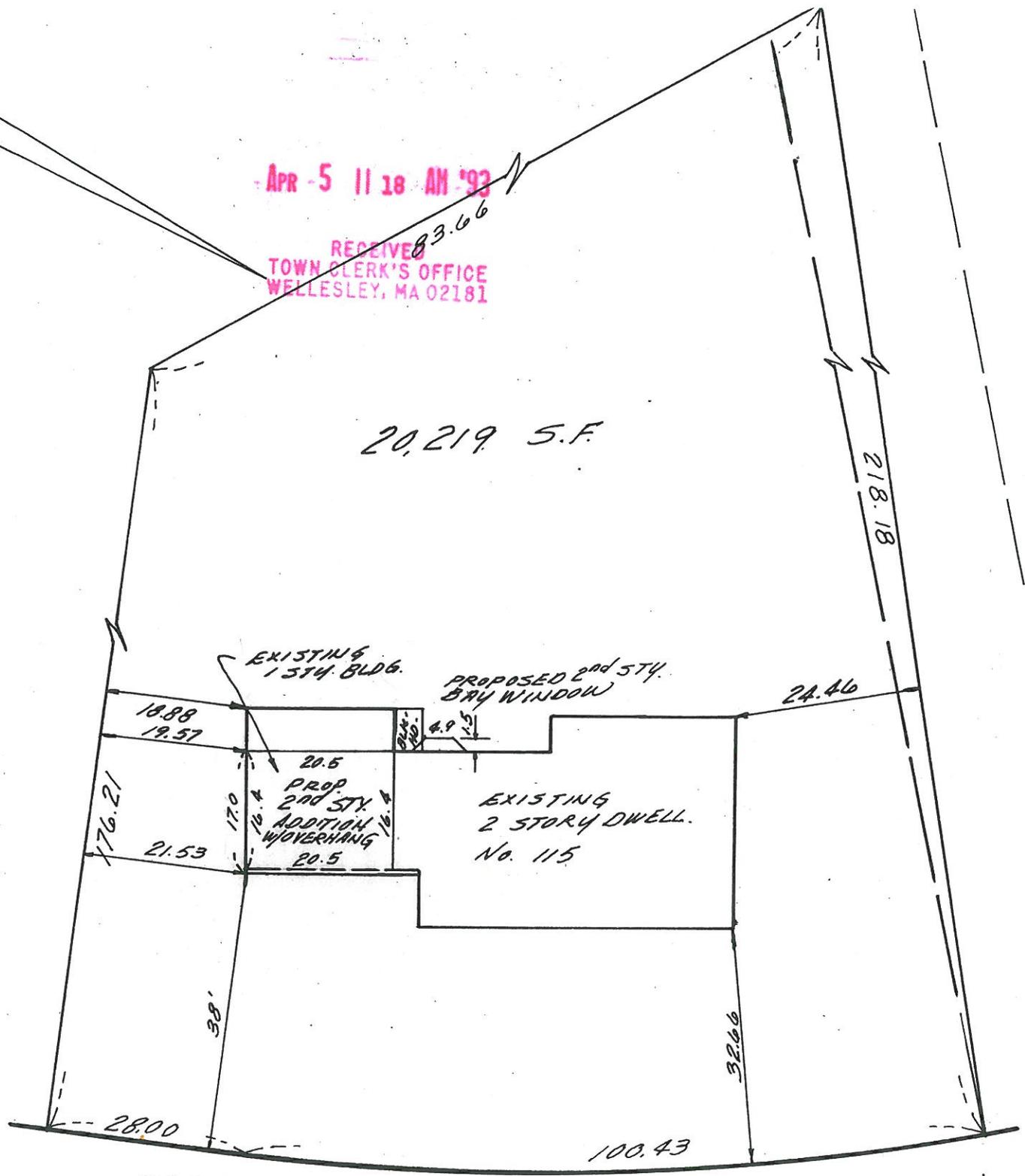
  
Kendall P. Bates

  
Robert R. Cunningham

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WELLESLEY, MA 02181

20,219 S.F.



WESTGATE ROAD

PLOT PLAN OF LAND  
IN  
**WELLESLEY — MASS.**

MAR. 30, 1993 SCALE 1" = 20'

NEEDHAM SURVEY ASSOCIATES, INC.  
281 CHESTNUT ST  
NEEDHAM, MASS.

