



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-47
Petition of Jeffrey and Roberta Morganstern
16 Cleveland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 17, 1993 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 JEFFREY AND ROBERTA MORGANSTERN requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a deck approximately 10 feet by 12 feet at the right rear corner of their nonconforming dwelling with less than the required right side and front yard setbacks, at 16 CLEVELAND ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. Said deck will have less than the required right yard setback.

On June 1, 1993, 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 was Jeffrey Morganstern, who said that the request was for a simple deck, which would be screened by shrubbery along the right side property line.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 16 Cleveland Road, in a Single Residence District, on a 6,188 square foot lot, with a minimum front yard setback of 29.6 feet and a minimum right side yard setback of 5.9 feet.

The petitioners are proposing to construct a deck approximately 10 feet by 12 feet which would have a minimum right side setback of 7.6 feet at the corner adjoining the dwelling and a minimum right side setback of 8.4 feet from the right rear corner.

The petitioners are requesting a Finding that the proposed deck will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated May 4, 1993, drawn by Philip F. Jones, Registered Professional Land Surveyor; construction sketches and elevations; and photographs were submitted.

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On June 12, 1993, the Wetlands Protection Committee issued a Negative Determination of Applicability without conditions.

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On June 15, 1993, the Planning Board reviewed the petition and voted to recommend granting the request.

Decision

This Authority has made a careful study of the materials submitted. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Fact.

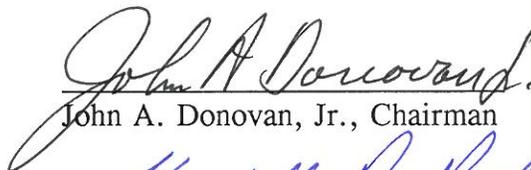
It is the opinion of this Authority that the proposed deck will intensify the existing nonconformance but will not create additional nonconformities, as the proposed deck will not encroach further on the right side lot line than the existing nonconforming dwelling.

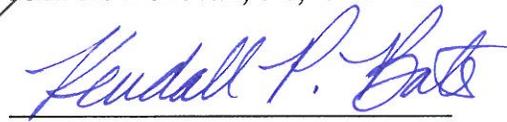
This Authority finds that the proposed deck will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling, and that a permit for construction of said deck can be issued subject to construction in accordance with the Plot Plan and sketches as submitted.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his 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

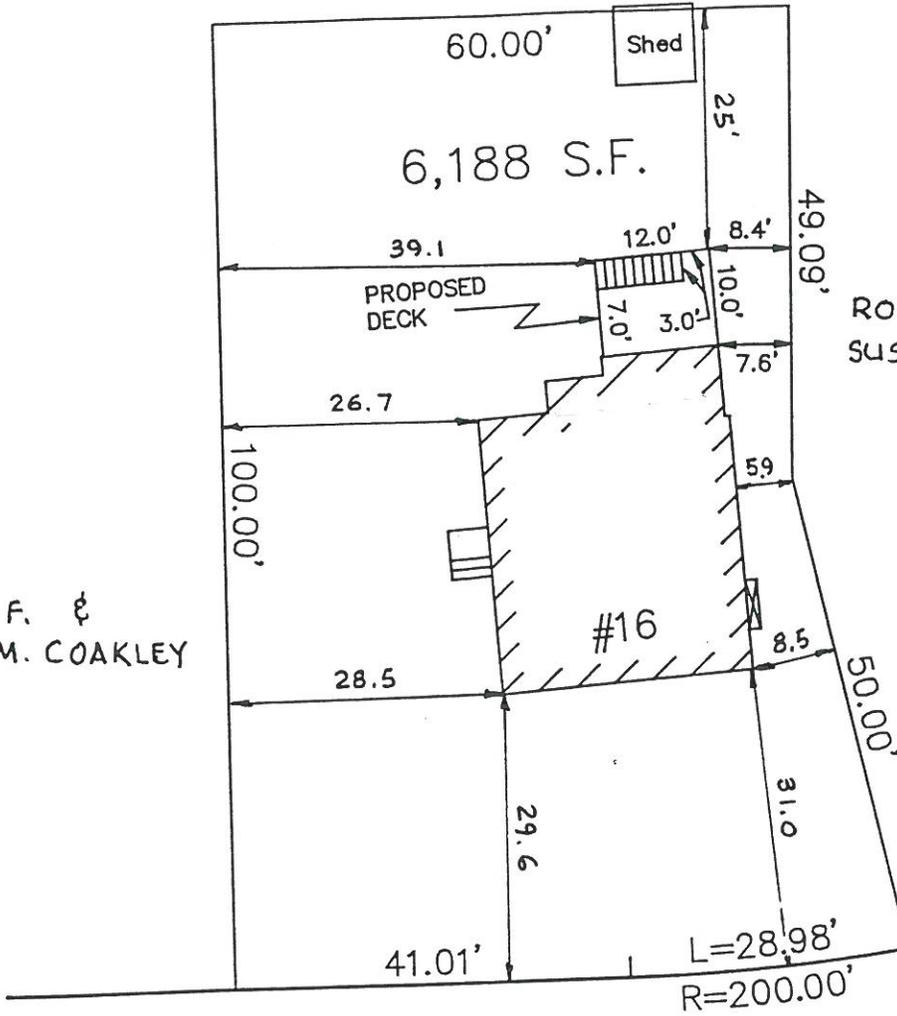

Kendall P. Bates


Robert R. Cunningham

SAMUEL P. & CYNTHIA B. HUNT



EDWARD F. &
MAUREEN M. COAKLEY



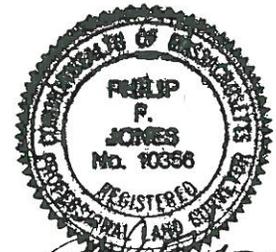
ROBERT WEINER &
SUSAN BRICKMAN

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CLEVELAND

ROAD

PLAN OF LAND
IN
WELLESLEY MASS.



Philip F. Jones

TO ACCOMPANY THE PETITION OF
JEFFREY D. & ROBERTA L. MORGENSTERN
16 CLEVELAND ROAD, WELLESLEY

PHILIP F. JONES, P.L.S. NEWTON,, MASS
SCALE: 1"=20' MAY 4, 1992