



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-70

Petition of John J. and Suzanne E. Mackenzie
48 Beverly Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 23, 1993 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOHN J. AND SUZANNE E. MACKENZIE requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a second-story addition approximately 16.3 feet by 24.4 feet over an existing garage of the same dimensions with less than the required right side yard at their nonconforming dwelling at 48 BEVERLY ROAD, in a Single Residence District, with less than the required right side yard.

On September 7, 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 John Mackenzie, who said that they would like to add a bedroom and bath over the existing garage.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 48 Beverly Road, in a Single Residence District, on a 10,000 square foot lot, and has a minimum right side yard clearance of 15.7 feet.

In May, 1971, prior owners, David and Nancy Ann Ulmer requested and were granted a variance to expand their existing 9 foot by 18 foot garage to 15 feet by 24 feet with a minimum right side yard clearance of 15.7 feet. The garage was built with a front width of 14.9 feet, a rear width of 16.3 feet and a length of 24.4 feet, but maintained the allowed minimum right side yard setback of 15.7 feet.

The petitioners are now requesting a variance to add a second story approximately 16.3 feet by 24.4 above the garage, maintaining the minimum right side yard setback of 15.7 feet.

A Plot Plan dated August 19, 1993, drawn by Paul J. Sawtelle, Registered Land Surveyor; Floor plans and elevations dated August 23, 1993; and photographs were submitted.

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On September 14, 1993, the Planning Board reviewed the petition and voted to recommend approval of the request.

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 conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line.

It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

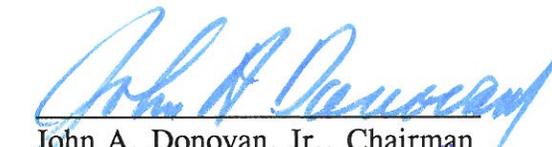
Therefore, the requested variance is granted subject to construction in accordance with the submitted plot plan and construction sketches as noted in the foregoing Statement of Facts.

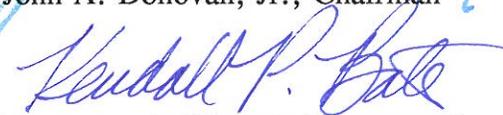
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon the receipt and approval of a building application and detailed construction plans.

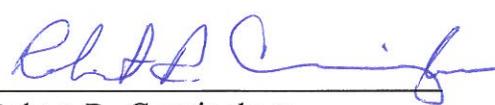
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

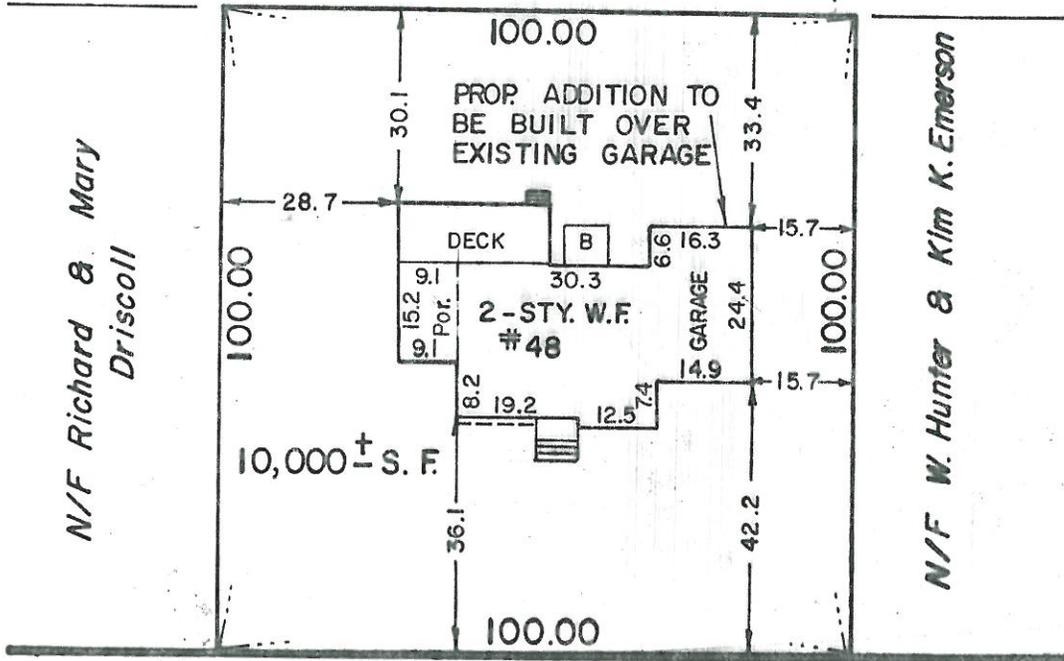
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EG:MM

N/F Simon L. & Judith
Cohen

N/F Thomas & Ruth
Patten

N/F Richard & Mary
Driscoll

N/F W. Hunter & Kim K. Emerson



BEVERLY ROAD

OWNERS: JOHN J. & SUZANNE E. MACKENZIE III

ASSESSORS MAP 169, ROUTE 025

BUILDING ZONE SINGLE FAMILY
10,000 S.F.

LOT COVERAGE = 15.2 %

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WELLESLEY, MA 02181

SEP 7 10 51 AM '93



PLAN OF LAND
IN

WELLESLEY, MASS.

Paul J. Sawtelle

SCALE: 1" = 30'
MASS BAY SURVEY, INC.

AUGUST 19, 1993
NEWTON, MASS