



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-34

Petition of Neil A. and Laurie W. Jacob
32 Appleby Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 26, 1994 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 NEIL A. AND LAURIE W. JACOB requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their nonconforming dwelling, with less than the required right side yard, at 32 APPLEBY ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Raising the ridge line of the garage roof approximately 5.5 feet to accommodate a second story addition approximately 21.2 feet by 20 feet above the garage with the same dimensions, and less than the required right side yard setback.
2. Construction of a shed addition approximately 11 feet by 3.1 feet at the rear of the dwelling, which will have less than the required right side yard setback.

On May 9, 1994, 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 Laurie Jacob, who said that they would like to raise the garage roof to accommodate the addition of a bedroom and bath. There will be no change in the garage footprint. They would also like to add a storage shed in the rear.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 32 Appleby Road, in a Single Residence District, on a 10,470 square foot lot, and has a minimum right side yard clearance of 11 feet.

The petitioners are requesting approval to raise the ridge line of the existing garage roof 5.5 feet in order to construct a second story addition approximately 21.2 feet by 20 feet above the garage with the same dimensions. The addition would come no closer than the existing

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minimum right side yard clearance of 11 feet.

Approval is also requested to construct a storage shed approximately 3.1 feet by 11 feet, which would have a minimum right side yard clearance of 16 feet.

A plot plan dated May 2, 1994 drawn by Sidney R. Vaughan, Registered Professional Land Surveyor; Floor plans and Elevations dated April 14, 1994, drawn by Gary and Laura Cabo, Architects; and photographs were submitted.

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.

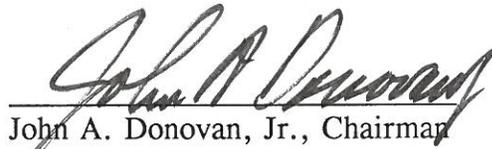
It is the opinion of this Authority that neither the construction of the second story addition above the existing nonconforming garage, nor the construction of the shed addition will intensify or add to the existing nonconformance as the second story addition will come no closer than the existing garage to the right side lot line; and the shed addition will be far less nonconforming than the existing structure.

Therefore, a Special Permit is hereby granted to raise the ridge line of the existing garage roof to construct the second story addition above the existing garage, and to construct the shed addition, subject to construction in accordance with the plot plan and construction plans submitted as noted in the foregoing Statement of Facts.

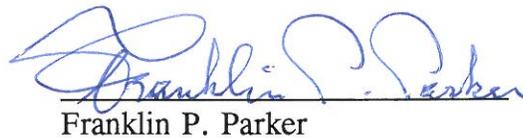
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and detailed construction plans.

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


Franklin P. Parker

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