



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

AUG 3 10 59 AM '95

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ZBA 95-52

Petition of Dan R. Zupan and Mary Susan Convery
13 Edgemoor Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 27, 1995 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 DAN R. ZUPAN AND MARY SUSAN CONVERY 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 front setback, at 13 EDGEMOOR AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing 20.3 foot by 20.5 foot portion of the dwelling and construction of a two-story addition on the same foundation, which will require raising the ridge line of the roof approximately 5 feet 2 inches.

2. Construction of a new second story approximately 16.2 feet by 23.7 feet over the existing one-story portion of the dwelling, which will require raising the ridge line of the existing roof approximately 13 feet 2 inches.

Both additions will have less than the required front setback, and neither addition will result in a change in the footprint.

On July 10, 1995, 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 Dan Zupan, who said that they would like to demolish one portion of the house down to the foundation and rebuild the first story on the foundation in order to make the ceilings comply with the building code. A second story addition would be constructed across the rebuilt first floor and the existing one-story portion of the house.

Mr. Zupan stated that at the rear of the property, the hillside descends so that from the perspective of the rear abutter, the building will not appear much higher than the existing roof line. The rear abutter has written a letter in support of the petition. The footprint will not be expanded, and the front setback will remain the same.

Joseph S. Harkins, 9 Edgemoor Avenue, heartily endorsed the petition.

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Statement of Facts

The subject property is located at 13 Edgemoor Avenue, in a Single Residence District, on a 10,150 square foot lot, and has a minimum front yard clearance of 26.62 feet. The property also abuts Edgemoor Avenue on the southerly or right side.

The petitioners are requesting a Special Permit/Finding that the demolition of the 20.5 foot by 20.3 foot portion of the dwelling to the foundation and construction of a two-story addition on the same footprint, which will have a minimum front yard clearance of 26.62 feet; and the construction of a second story approximately 23.7 feet by 16.2 feet above the existing one-story portion of the dwelling, which will have a minimum front yard clearance of 27.69 feet, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The ridge line of the roof of the demolished portion of the dwelling will be raised approximately 5 feet 2 inches. The ridge line of the one-story portion of the dwelling will be raised approximately 13 feet 2 inches. Neither addition will result in a change in the footprint.

A Plot Plan dated March 1, 1995, revised June 27, 1995, drawn by Bruce Bradford, Professional Land Surveyor; Floor Plans and Elevations drawn by Larry Mintz, and photographs were submitted.

A letter in support of the petition, dated July 25, 1995, signed by Patricia M. Meehan, 30 Overbrook Drive, the rear abutter, was also submitted.

On July 20, 1995, the Planning Board reviewed the petition and voted to offer no objection to 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 with the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the finding of this Authority that neither the demolition of the 20.3 foot by 20.5 foot portion of the dwelling, and construction of a two-story addition on the same footprint; nor the construction of a second story addition over the existing one-story portion of the dwelling will increase the existing nonconformity or create additional nonconformities.

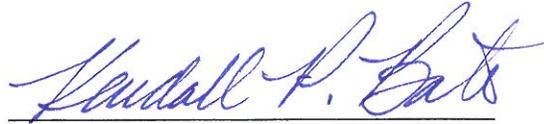
Therefore, a Special Permit is hereby granted for the proposed demolition and construction of the two-story addition and the second story addition in accordance with the submitted Plot Plan and construction sketches.

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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.

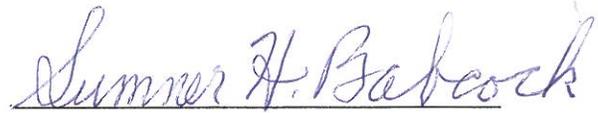
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates
Kendall P. Bates, Acting Chairman



William E. Polletta
William E. Polletta



Sumner H. Babcock
Sumner H. Babcock

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