

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 99-52
Petition of Jonathan Melman
24 Burke Lane

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 29, 1999 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 JONATHAN MELMAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 10 foot by 15.3 foot two-story addition with an attached 13 foot by 12.8 foot two-story addition at a 45 degree angle, with less than the required front yard setback, on the right side of his nonconforming dwelling with less than the required front and left side yard setbacks, at 24 BURKE LANE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 12, 1999, the petitioner 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 Jonathan Melman, who said that he bought the house a year ago, and has found it smaller than he needs. There is only one bathroom, no dining room and a small living room. The house was built 100 years ago, is situated at the left corner of the lot, and is too close to the street. The addition has been set back from the existing house so it will not appear that the house is encroaching on the street. There is no other place to locate the addition due to the siting of the house on the lot.

In response to the Board's questions, Mr. Melman stated that the sunporch would be demolished, and that every effort will be made to avoid removing the large maple.

No other person present had any comment on the petition.

Statement of Facts

The subject dwelling is located at 24 Burke Lane, in a Single Residence District, on an 10,203 square foot elliptically shaped lot, and has a minimum front yard clearance of 9.8 feet and a minimum left side yard clearance of 19.5 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a 10 foot by 15.3 foot two-story addition with an attached 13 foot by 12.8 foot two story addition at a 45 degree angle, with a

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minimum front yard setback of 10.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated June 23, 1999, drawn by Robert F. Drake, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations, dated June 29, 1999; 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.

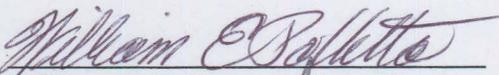
It is the finding of this Authority that construction of the two sections of the proposed two-story addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the addition will neither intensify the existing nonconformance, nor will it create new nonconformity, as it will be less nonconforming than the existing structure.

Therefore, the Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of both the 10 foot by 15.3 foot and attached 13 foot by 12.8 foot two-story additions subject to construction in accordance with the submitted plot plan and construction drawings.

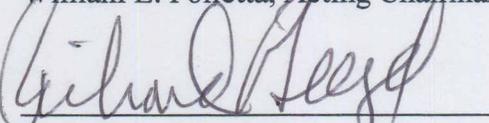
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

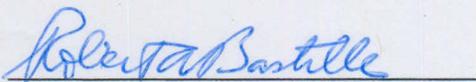
Cc: Planning Board
Inspector of Buildings
edg



William E. Polletta, Acting Chairman



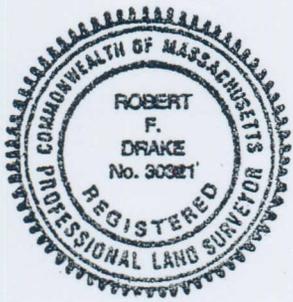
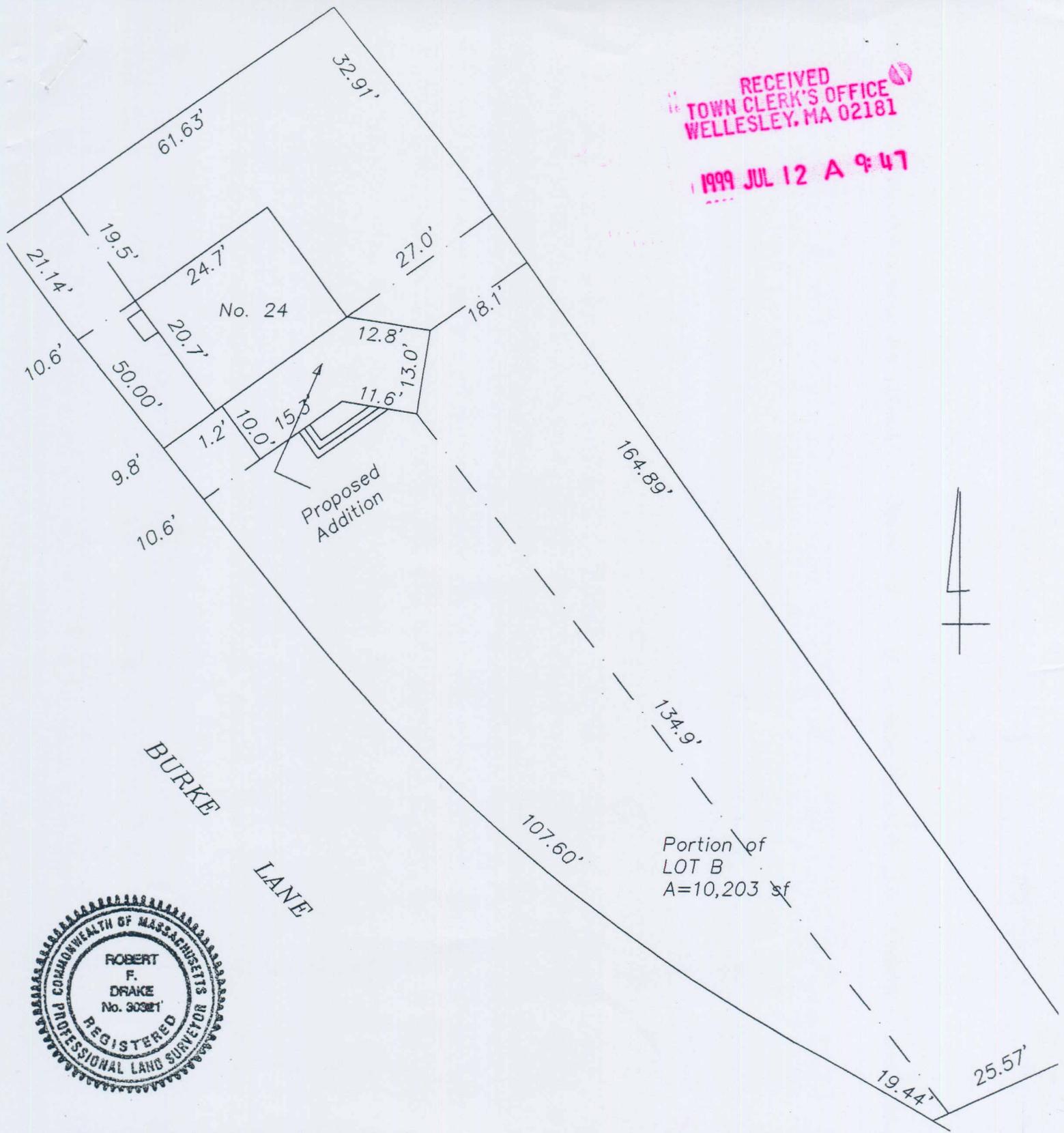
Richard L. Seegel



Robert A. Bastille

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I CERTIFY THAT THE BUILDING(S) SHOWN ON THIS PLAN ARE LOCATED ON THE GROUND AS SHOWN HEREON.

ROBERT F. DRAKE PLS

PROPOSED LOT COVERAGE 8.7 %

CERTIFIED PLOT PLAN
IN
WELLESLEY, MASS.

SCALE 1"=20' JUNE 23, 1999
Drake Associates Inc.
Civil Engineers Land Surveyors
770 GROVE STREET FRAMINGHAM MASS
(508) 877 - 0848