

TOWN OF WELLESLEY



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WELLESLEY MA 02482

2001 NOV -6 A 8:20

ZONING BOARD OF APPEALS

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

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ROBERT A BASTILLE
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ZBA 2001-83
Petition of David R. and Jane P. Neilson
8 Avon Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 25, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DAVID R. AND JANE P. NEILSON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that raising the ridge line of the roof 8 feet above their allowed unbuilt nonconforming one-story 15 foot by 26.3 foot addition to accommodate a second story addition with the same dimensions and setbacks at their nonconforming dwelling, with less than the required right side and front yard setbacks, at 8 AVON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the allowed nonconforming structure. There will be no change in the footprint.

On October 9, 2001, 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 Jane Neilson, who said that last April, they had received permission from the Board for construction of a first floor family room, which has not yet been built. They are ready to begin construction, and would now like to add a master bedroom and bath above the family room.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 8 Avon Road, in a Single Residence District, on an 8,000 square foot lot, with a minimum right side yard setback of 10.2 feet and a minimum front yard setback of 17.5 feet.

In April, 2001, the petitioners appeared before the Board requesting a Special Permit/Finding to construct a one-story 15 foot by 26.3 foot addition, with a minimum front yard setback of 18.5 feet, which was granted (ZBA 2001-26). Construction on the allowed addition has not yet commenced.

The petitioners are now requesting a Special Permit/Finding that the construction of a second story addition above the allowed 15 foot by 26.3 foot addition, which will raise the ridge line of roof over the two-story addition to 23 feet from average ground level shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The second story addition will have the same dimensions and front setback as the first floor addition.

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A Plot Plan dated March 27, 2001, stamped by George N. Giunta, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 10/3/01, drawn by Betsy Keefe/Baker Design Group; and photographs were submitted.

On October 16, 2001, the Planning Board reviewed the petition and had no objection to the granting of the Special Permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

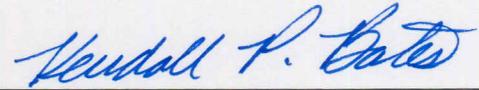
It is the finding of this Authority that construction of the 15 foot by 26.3 foot second story addition, with a minimum front yard setback of 18.5 feet, shall not be substantially more detrimental to the neighborhood than the allowed nonconforming structure as it will neither intensify the existing nonconformance, nor will it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the 15 foot by 26.3 foot second story addition in accordance with the submitted plot plan and construction drawings.

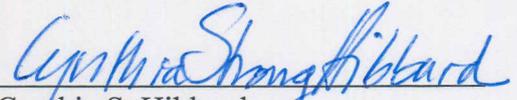
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

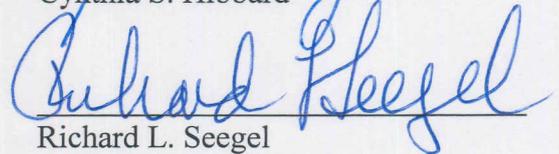
Cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman



Cynthia S. Hibbard

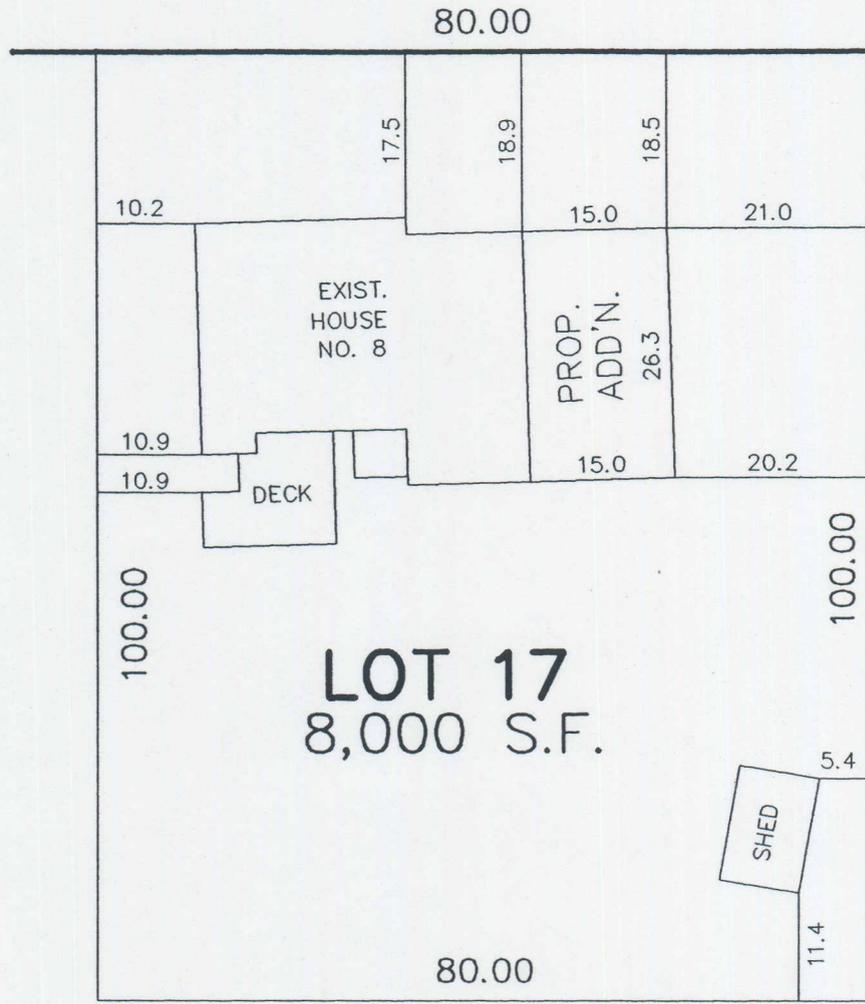


Richard L. Seegel

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2001 OCT -9 A 10:03

AVON ROAD



LOT 17
8,000 S.F.

PLOT PLAN OF LAND WELLESLEY, MASS.

MAR. 27, 2001 SCALE 1"=20'

NEEDHAM SURVEY ASSOCIATES, INC.

281 CHESTNUT ST.

NEEDHAM, MA. 02492

OWNER: DAVID R. NEILSON

A handwritten signature is written over a circular stamp that contains the text 'NEEDHAM SURVEY ASSOCIATES, INC.' and 'MASS.'.

EXIST LOT COV.=10.19%

PROPOSED LOT COV.=15.12