

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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2003 DEC 17 A 9:02

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ZBA 2003-91
Petition of Roy and Maura Harris
39 Park Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 11, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROY AND MAURA HARRIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of two 6 foot by 7 foot 10 inch dormers, one of which shall have less than the required right side yard setback, at their nonconforming dwelling, with less than the required left, front and right side yard setbacks, at 39 PARK AVENUE, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

On November 17, 2003, 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 were Roy and Maura Harris. Mr. Harris said they have a 1 ½ story cape, and would like to install two dormers in the front of the house; one dormer for each bedroom to expand the space and allow more light.

The Board noted that the Planning Board had no objection to the project, but raised the point that the Zoning Bylaw makes allowance for dormers by right, if they do not exceed the highest point of the existing roof and do not further encroach on the lot lines.

The Board noted that the plot plan shows a 13% existing percentage of lot coverage and a proposed percentage of 13.75%, and questioned if there would be any other construction involved that would result in the increase. Mr. Harris said no other construction is planned.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 39 Park Avenue, in a 10,000 square foot Single Residence District, on a 7,829 square foot lot, and has a minimum left side yard setback of 17.7 feet, a minimum front yard setback of 28.2 feet and a minimum right side yard setback of 7.0 feet.

The petitioners are requesting a Special Permit/Finding that the construction of two 6 foot by 7 foot 10 inch dormers shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The left front dormer shall have a conforming left side yard setback of 21 feet

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and a conforming front yard setback of 30.8 feet. The right front dormer shall have a nonconforming right side yard setback of 10.2 feet and a conforming front yard setback of 30.9 feet. There shall be no change in the footprint.

A plot plan dated October 16, 2003, stamped by Joseph R. Sullivan, Registered Professional Land Surveyor; Existing and Proposed Elevations dated 10/14/03, designed by Bob Gannon; and photographs were submitted.

The Planning Board reviewed the petition and had no objection to the granting of the request. The Planning Board staff was of the opinion that the review was unnecessary as the proposed dormers do not exceed the highest point of the existing roof, and there would be no further encroachment on the lot lines.

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 with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

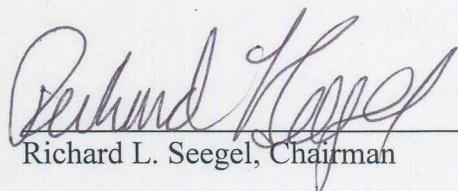
It is the finding of this Authority that the construction of the two 6 foot by 7 foot 10 inch dormers, one of which shall have less than the required right side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the dormers shall neither intensify the existing nonconformance, nor shall they create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct two 6 foot by 7 foot 10 inch dormers, of which the right front dormer shall have a minimum right side yard setback of 10.2 feet, in accordance with the submitted plot plan and elevation drawings.

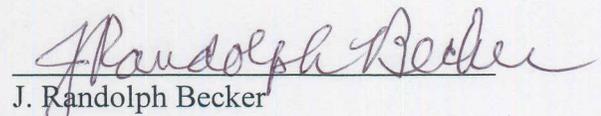
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Richard L. Seegel, Chairman


Robert A. Bastille

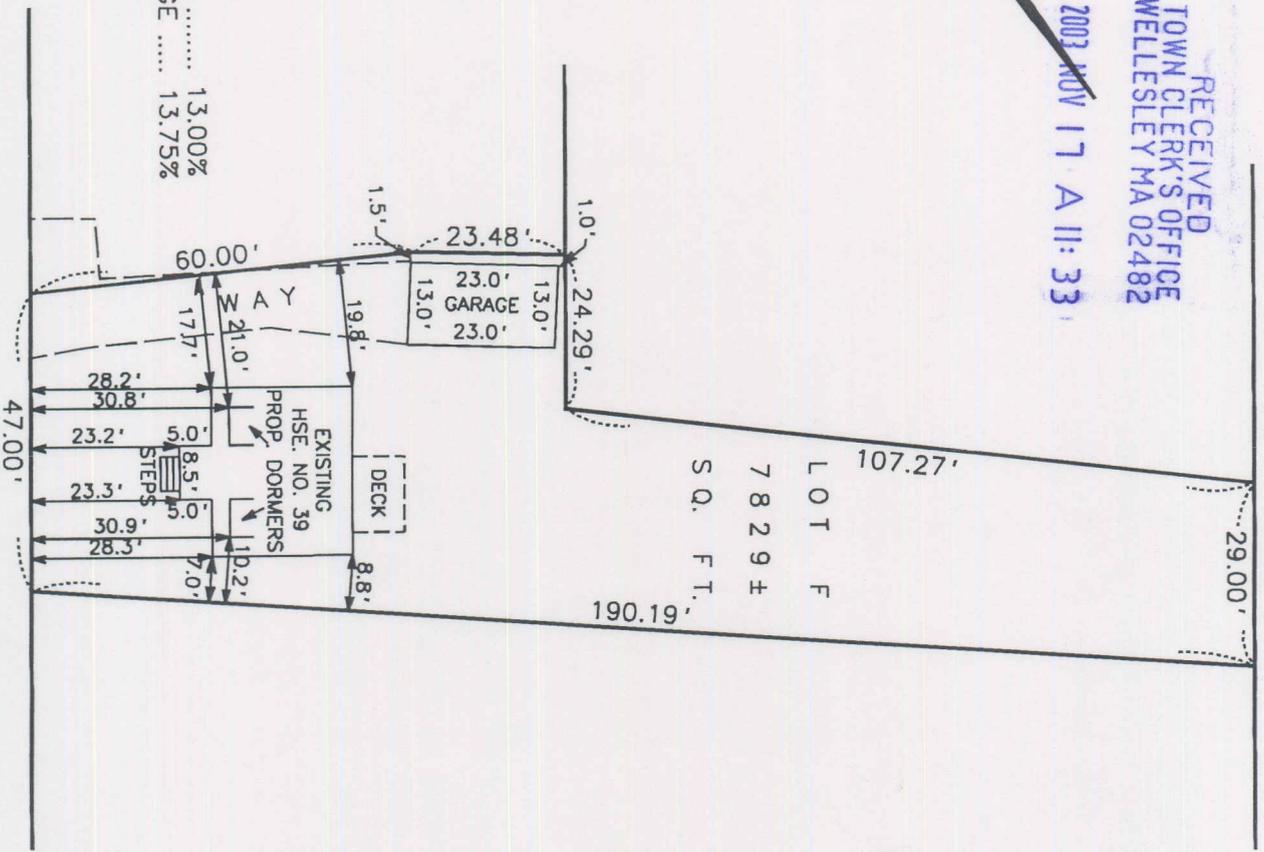

J. Randolph Becker

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2003 NOV 17 A 11:33



**BOARD OF APPEALS
PLAN OF LAND IN
WELLESLEY, MASS.**

APPLICANT : ROY HARRIS
SCALE : 1" = 30' OCTOBER 16, 2003



JOSEPH R. SULLIVAN
REG. PROF. SURVEYOR



**MaccARTHY & SULLIVAN
ENGINEERING, INC.**

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