

**ZONING BOARD OF APPEALS**

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ZBA 2005-48

Petition of Daniel and Joan Rubin  
18 Strathmore Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 9, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of DANIEL AND JOAN RUBIN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of the existing 12 foot by 20 foot nonconforming garage with less than required right side yard setback and construction of a 16 foot by 30.2 foot garage, construction of an 8.5 foot by 12.4 foot mudroom, and construction of a 16 foot by 26 foot second story addition with less than required right side yard setback, at 18 STRATHMORE ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 23, 2005, 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 Joan Rubin, who said that she and her husband are the owners of the property. They would like to take down the existing single car garage and build a garage that has the same 18.9 foot side yard setback. The new garage will be larger and will be brought forward where there is more room on the right side.

The Board asked if they would be taking the tree down. Ms. Rubin said that they would not be taking the tree down.

The Board said that they would be adding a large addition out back. Ms. Rubin said that they are adding to the second floor at the front only. They plan to build a saltbox on the back.

The Board said that there is a sharp knoll at the back. The Board asked if the petitioners plan to change the contours. Ms. Rubin said that they do not plan to change the contours. She said that they plan to add 4 feet at the back to the kitchen area. There is about 30 feet of grass between the house and the hill area. They have had the hill area landscaped and do not plan to touch that at all.

The Board said that it appears that the house next to them is quite close.

Statement of Facts

The subject property is located at 18 Strathmore Road, in a 10,000 square foot Single Residence District, and has a minimum right side yard setback of 18.9 feet.

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The petitioner is requesting a Special Permit/Finding that demolition of the existing 12 foot by 20 foot nonconforming garage with less than required right side yard setback and construction of a 16 foot by 30.2 foot garage, construction of an 8.5 foot by 12.4 foot mudroom, and construction of a 16 foot by 26 foot second story addition with less than required right side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/1/05, stamped by George N. Guinta, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 5/2/05, drawn by Paul Worthington, and photographs were submitted.

On June 7, 2005 the Planning Board reviewed the petition and had no objection to granting the request.

### 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, although demolition of the existing 12 foot by 20 foot nonconforming garage with less than required right side yard setback and construction of a 16 foot by 30.2 foot garage, construction of an 8.5 foot by 12.4 foot mudroom, and construction of a 16 foot by 26 foot second story addition with less than required right side yard setback is increasing the nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing nonconforming garage, and construction of a garage, mudroom and second story addition.

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.

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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.

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Richard L. Seegel, Chairman

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Robert A. Bastille

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
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