

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2006-11

Petition of Greg and Joanne Collier  
1 Avon Road

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Petition of GREG AND JOANNE COLLIER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 5 foot by 18.8 foot second story addition over an existing nonconforming structure with less than required front yard setback, on a corner lot, in a 10,000 square foot Single Residence District, at 1 AVON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 23, 2006, 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 Greg Collier who said that they are asking for a Special Permit to put two closets above the existing structure which is a bathroom and a small pantry on the first level. He said that in order to have access into the front closet, they have to cantilever forward about a foot and a half from the existing footprint.

### Statement of Facts

The subject property is located at 1 Avon Road, on a corner lot, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 12.7 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 5 foot by 18.8 foot second story addition over an existing nonconforming structure with a minimum front yard setback of 28.4 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/3/06, stamped by Peter M. Ditto, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, 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 structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

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It is the finding of this Authority that although construction of a 5 foot by 18.8 foot second story addition is increasing a 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 construction of a 5 foot by 18.8 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 reconstruction 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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David G. Sheffield

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Robert A. Bastille

cc: Planning Board  
Inspector of Buildings  
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