

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

2000 JAN 31 P 2:05

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ZBA 2000-5
Petition of Justin M. Kennedy
10R Wellesley Avenue

Pursuant to due notice, the Special Permit Granting Committee held a Public Hearing on Wednesday, January 19, 2000 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JUSTIN M. KENNEDY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the raising of the 40.5 foot by 10.25 foot rear portion of the existing roof 8 feet to provide additional second story living space at his nonconforming dwelling with less than the required rear and right side yard setbacks, at 10R WELLESLEY AVENUE, in a General Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On January 3, 2000, 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 Justin Kennedy, who said that he had purchased the property in September, 1999. He has been involved in renovating it since that time. There is an existing single dormer, but because he needs more room, he would like to extend the dormer to have a full second floor.

Mr. Kennedy submitted letters in support of the petition from Dr. Paul Chailfoux, 6 Wellesley Avenue, and Ruth Moss, the prior owner. The Board had also received a letter in support of the petition from Reverend Joseph Lind, representing St. Paul Parish.

The Board asked what the finished ceiling height would be. Mr. Kennedy said the height would be about 8 feet. The roof will not be raised above the existing ridge line.

In response to the Board's question, Mr. Kennedy said he had purchased the house to live in it.

Statement of Facts

The subject property is located at 10R Wellesley Avenue, in a General Residence District, on a 9,194 square foot lot, with a minimum right side yard clearance of 5.4 feet and a minimum rear yard clearance of 6.2 feet.

The petitioner is requesting a Special Permit/Finding that the elevation of the 40.5 foot by 10.25 foot rear portion of the roof 8 feet to provide additional second story living space shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

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A Plot Plan dated December 9, 1999, drawn by Robert F. Drake, Registered Professional Land Surveyor; Floor Plans and Elevations dated November 5, 1999, drawn by David H. Sigi; and photographs were submitted.

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On January 18, 2000, the Planning Board reviewed the petition and had no objection to the second story addition.

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.

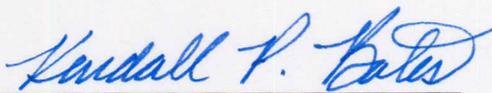
It is the finding of this Authority that the proposed roof elevation of 8 feet of the rear portion of the roof shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as there will be no change in the footprint, and the affected abutters are in support of the petition.

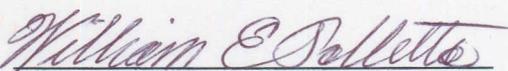
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to raise the rear portion of the roof 8 feet to provide additional second floor living space, provided the construction is in accordance with the submitted plot plan and construction drawings.

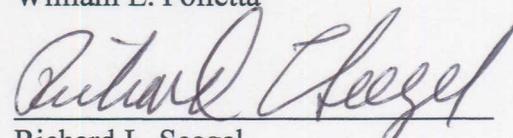
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

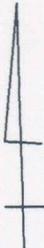

Kendall P. Bates, Chairman


William E. Polletta

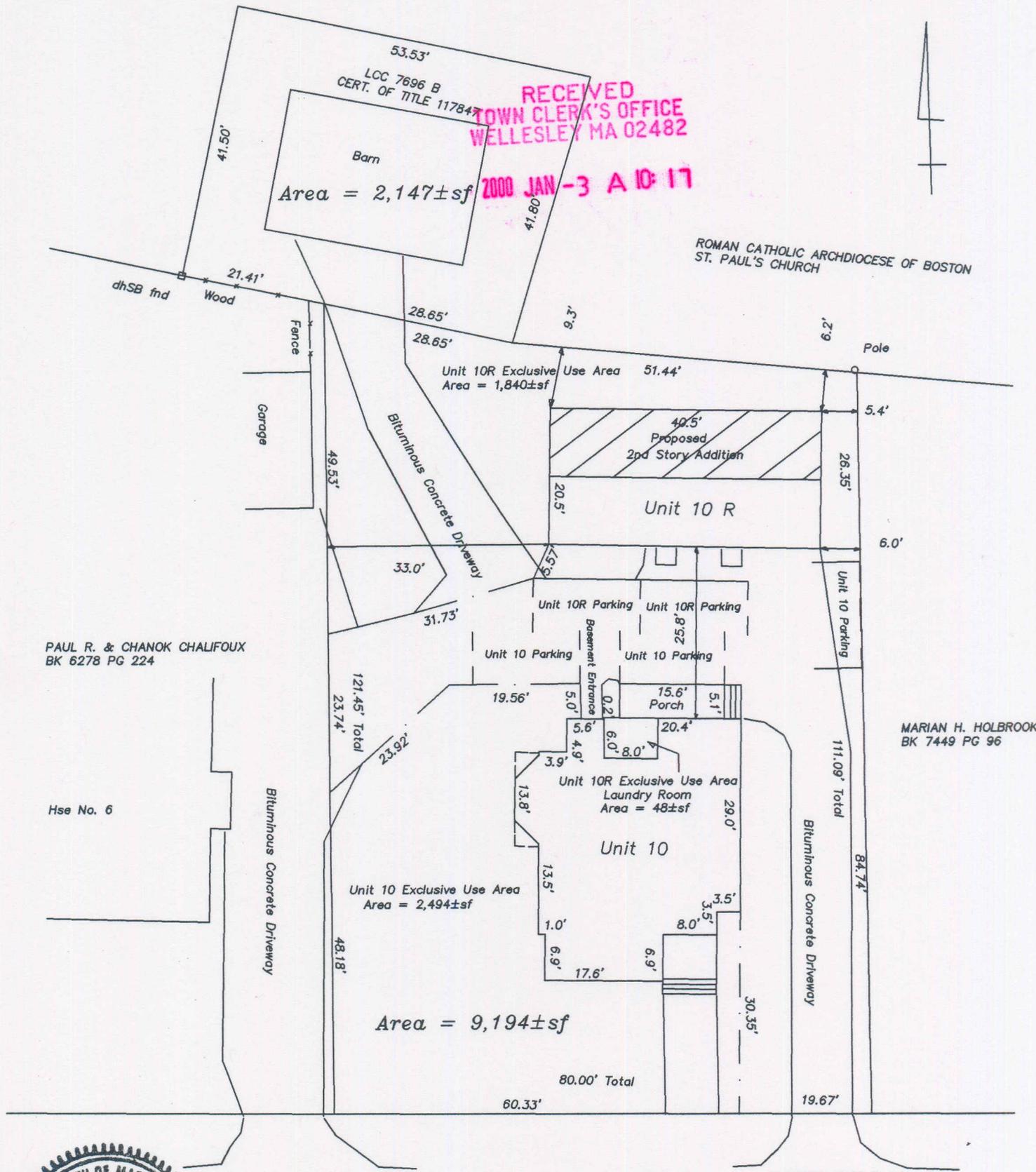

Richard L. Seegel

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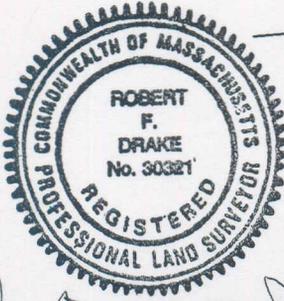


ROMAN CATHOLIC ARCHDIOCESE OF BOSTON
ST. PAUL'S CHURCH



PAUL R. & CHANOK CHALIFOUX
BK 6278 PG 224

MARIAN H. HOLBROOK
BK 7449 PG 96



[Handwritten signature]

WELLESLEY

AVENUE
IN
10 WELLESLEY AVENUE CONDOMINIUM
WELLESLEY, MASS.

SCALE 1"=20' DECEMBER 9, 1999



PREPARED BY
Drake Associates Inc.
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