

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2002 JUL 12 A 8:28

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ZBA 2002-55

Petition of Robert P. and Maria E. Tedeschi
46 Oak Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 27, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT P. AND MARIA E. TEDESCHI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required right and left side yard setbacks, at 46 OAK STREET in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A two-story 23.5 foot by 26 foot addition with less than the required left and right side yard setbacks.
2. A one-story 26 foot by 24 foot detached garage with less than the required left side yard setback.

Presenting the case at the hearing were Robert and Maria Tedeschi. Mr. Tedeschi said that the garage would be entered from the front, and not from the side, so they need a 20 foot side yard setback, not a 30 foot setback. The driveway will swerve in front of the garage to allow front access. The garage will be 26 foot by 24 feet as shown on the plot plan.

The Board asked if the Tedeschis were content to have half the back yard paved. Mr. Tedeschi said the driveway was paved to the proposed garage now, and he needs the space. They have brought the addition in a foot on each side so it will be less nonconforming than the house.

Madeline Montali, 50 Oak Street, said she is concerned that Mr. Tedeschi runs a business from his house. The Board stated a truck and a utility trailer had been seen parked in the driveway, and asked if Mr. Tedeschi was operating a business on the premises, and if so, whether he had a permit to do so.

Mr. Tedeschi said he was an electrician, and did not have a home occupation permit. No customers come to the house. The Board stated that if he was in violation of the Zoning Bylaw, the Board could not grant relief for another project.

The Board asked if the garage would house Mr. Tedeschi's truck or his car. Mr. Tedeschi said they have 5 children, which is the reason for the addition. The garage is oversized to allow for storage of the children's equipment. He has one van with no advertising. The trailer is used on the job site, but does not have to be parked at the house.

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The Board said that any decision would contain a condition that no business vehicles be parked on the premises overnight and that no building permit be issued until Mr. Tedeschi satisfied the conditions of Section II A 6 of the Zoning Bylaw regarding home occupations.

The Board discussed the conditions under which the Special Permit could be granted, and decided that no building permit should issue until the following conditions have been met:

1. A Home Occupation permit has been obtained from the Building Department
2. A revised Sheet 6 showing the proper dimensions of the garage as 24 feet by 26 feet has been submitted to the office of the Board of Appeals.
3. A new plot plan showing the front of the garage on the Oak Street side of the property, the driveway, entrance to the garage, and the location of all paved areas on the lot has been submitted to the office of the Board of Appeals.

Furthermore, there shall be no parking of business vehicles overnight on the premises and no parking of the utility trailer shall be allowed on the premises.

Statement of Facts

The subject property is located at 46 Oak Street, in a 10,000 square foot Single Residence District, on a 12,000 square foot lot, and has a minimum left side yard setback of 15.6 feet and a minimum right side yard setback of 18.9 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a two-story 23.5 foot by 26 foot addition with a minimum left side yard setback of 16.5 feet and a minimum right side yard setback of 19.9 feet; and a detached one-story 24 foot by 26 foot garage with a minimum left side yard setback of 16 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/23/02, stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated April 8, 2002, drawn by Rocco DeRienzo; and photographs were submitted.

On June 18, 2002, the Planning Board reviewed the petition, and, under the impression that the garage doors faced the right side of the property, opposed the granting of the request as the right side yard setback was not the required 30 feet.

On July 1, 2002, the Building Department issued a Home Occupation Permit to Robert P. Tedeschi d/b/a R.P. Tedeschi Electric.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The existing 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 neither the proposed two-story addition, nor the proposed 24 foot by 26 foot detached garage shall be substantially more detrimental to the neighborhood than the existing nonconforming structure, for although both the two-story addition and the 24 foot by 26 foot garage shall intensify the existing nonconformance, neither structure shall create new nonconformity.

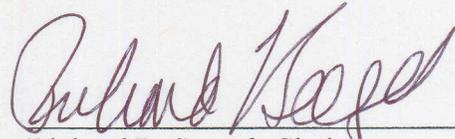
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a two-story 23.5 foot by 26 foot addition with less than the required right and left side yard setbacks and a one-story 26 foot by 24 foot detached garage with less than the required left side yard setback in accordance with the submitted plot plan, subject to the following conditions:

1. Prior to the issuance of any building permit, a revised Sheet 6 showing the proper dimensions of the proposed garage as 24 feet by 26 feet shall be submitted to the office of the Board of Appeals.
2. Prior to the issuance of any building permit, a revised plot plan showing the front of the garage as facing Oak Street, the location of the driveway, the entrance to the garage, and all paved areas on the lot.
3. There shall be no parking of business vehicles overnight on the premises; and no parking of the utility trailer on the premises at any time.

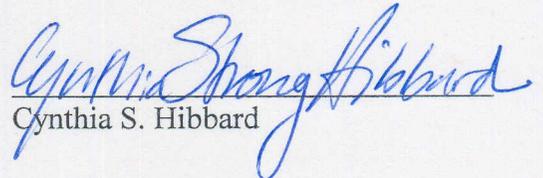
Subsequent to compliance with Conditions 1 and 2, the Inspector of Buildings is hereby authorized to issue a permit for construction of the addition and the garage upon receipt and approval of a building application and detailed construction plans.

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.

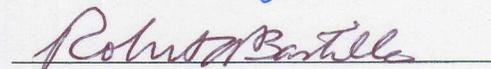
Cc: Planning Board
Inspector of Buildings
edg



Richard L. Seegel, Chairman



Cynthia S. Hibbard



Robert A. Bastille

ZBP 2002-55

PLAN OF LAND IN WELLESLEY, MA

46 OAK STREET
PROPOSED ADDITION

PREPARED FOR:
ROBERT & MARIA TEDESCHI

SCALE 1 IN. = 20 FT
MAY 10, 2002
REVISED JULY 2, 2002

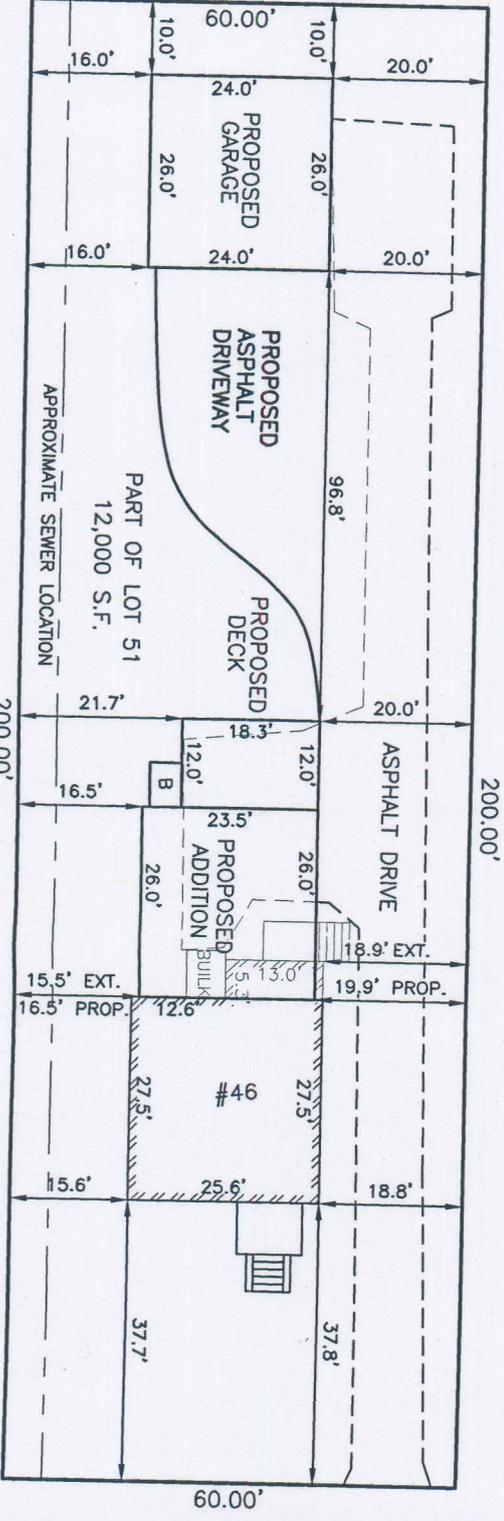
EXT. LOT COVERAGE 7.5%
EXT. STRUCTURE 909 S.F.

PROP. LOT COVERAGE 18.5%
PROP. STRUCTURE 2,220 S.F.

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BROOKS EVERETT M.
ENGINEERS & SURVEYORS
49 LEXINGTON STREET
WEST NEWTON, MA 02465
(617) 527-8750
PROJECT NO. 20685



OAK STREET