TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2003-14
Petition of Michael W. Casey
29 Avon Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 13, 2003 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 MICHAEL W. CASEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of his rear deck and construction of a two-story 22 foot by 25 foot addition with less than the required left and right side yard setbacks, at his nonconforming dwelling with less than the required left and right side yard setbacks, at 29 AVON 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 January 24, 2003, 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 Michael Casey, who said he would like to demolish his deck and build a two-story addition with a basement. He has spoken to his neighbors, who have no problem with the addition. He has tried to maintain the integrity of the structure within the confines of the setbacks.

The Board noted that the Planning Board had no objection to granting the request.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 29 Avon Road in a 10,000 square foot Single Residence District, on a 7,985 square foot lot, and has a minimum front setback of 23 feet, a minimum left side yard setback of 18.1 feet and a minimum right side yard setback of 15.1 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a two-story 22 foot by 25 foot addition with a minimum left side yard setback of 19.5 feet and a minimum right side yard setback of 17.8 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated January 17, 2003, stamped by Rhonda M. McManus, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated January 17, 2003, prepared by David S. Okerlund; and photographs were submitted.

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On January 28, 2003, 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 the construction of the two-story 22 foot by 25 foot addition shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the addition will neither intensify the existing nonconformance, nor create new nonconformity because it will be less nonconforming than the existing structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the two-story 22 foot by 25 foot addition in accordance with the submitted plot plan and construction plans.

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 TOWN CLERK.

Richard L. Seegel, Chairman

David G. Sheffield

J. Randolph Becker

Cc: Planning Board
Inspector of Buildings
edg

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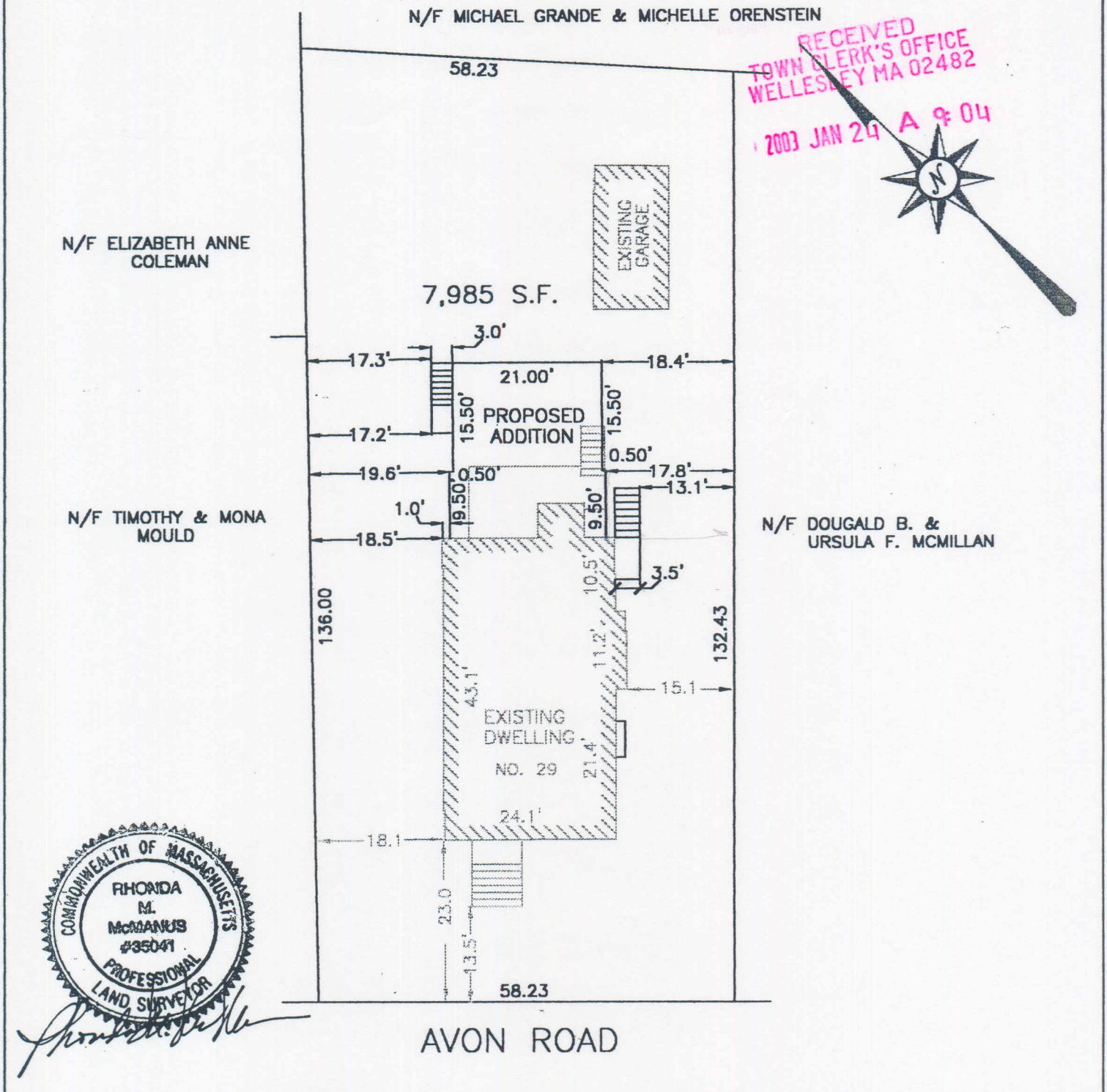

COMMONWEALTH OF MASSACHUSETTS
RHONDA M. McMANUS #35041
PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT THE BUILDINGS ON THIS PLAN ARE LOCATED ON THE GROUND AS SHOWN.

RHONDA M. MCMANUS, P.L.S.

ZONING DISTRICT – SINGLE RESIDENCE 10

EXISTING LOT COVERAGE = 19.4%
PROPOSED LOT COVERAGE = 24.6%

PLOT PLAN IN WELLESLEY, MA

FOR MICHAEL CASEY

DATE: 1/17/03	SCALE: 1" = 20'	JOB. NO. 02036REV

LANDMARK
ENGINEERING & SURVEYING, INC.
583 CHESTNUT STREET
LYNN, MA 01904
(781) 592-7016