

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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TOWN CLERK'S OFFICE
WELLESLEY, MA 02482
2003 OCT 22 8:07

ZBA 2003-78
Petition of Stanislaw and Irene Sikorski
6 Harvard Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 9, 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 STANISLAW AND IRENE SIKORSKI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their 12 foot 5 inch by 13 foot 5 inch deck and construction of a 17 foot by 14 foot deck, with less than the required left and rear yard setbacks, at their nonconforming dwelling with less than the required front, left and rear yard setbacks, at 6 HARVARD STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 18, 2003, the petitioners 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 Irene Sikorski, who said that their deck had to be removed because of the dry rot and carpenter ants, which were destroying the siding of their house. They would like to build a new deck, which would be 3 feet longer than the original deck.

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 6 Harvard Street, in a 10,000 square foot Single Residence District, on a 7,596 square foot lot, and has a minimum front setback of 19.9 feet, a minimum left side yard setback of 5.2 feet and a minimum rear yard setback of 4.2 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of their existing 12 foot 5 inch by 13 foot 5 inch deck and construction of a 17 foot by 14 foot deck with a minimum left side yard setback of 17.7 feet and a minimum rear yard setback of 5.4 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

In November, 1979, the petitioners requested a variance, which was granted, to construct a 10.5 foot by 12.8 foot addition and an 11.5 foot by 12.8 foot deck with less than the required left and rear yard setbacks. (ZBA 79-47) The petitioners are now requesting a Special Permit/Finding that the demolition

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of said deck and construction of a 17 foot by 14 foot deck, with a minimum rear yard clearance of 5.4 feet and a minimum left side yard clearance of 17.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/25/03, stamped by Paul G. Josephson, Professional Land Surveyor; Existing and Proposed Floor Plan; and photographs were submitted.

The Planning Board reviewed the petition and had no objection to the granting of 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 with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

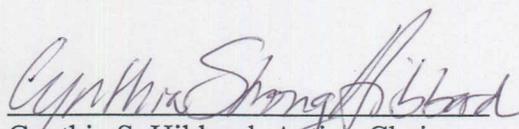
It is the finding of this Authority that the proposed deck shall not be substantially more detrimental to the neighborhood than the existing deck, as it shall neither intensify the existing nonconformance, nor create new nonconformity.

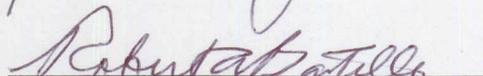
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the 17 foot by 14 foot deck with a minimum rear yard setback of 5.4 feet and a minimum left side yard setback of 17.7 feet, in accordance with the submitted plot plan and construction drawings.

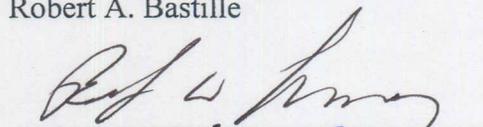
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

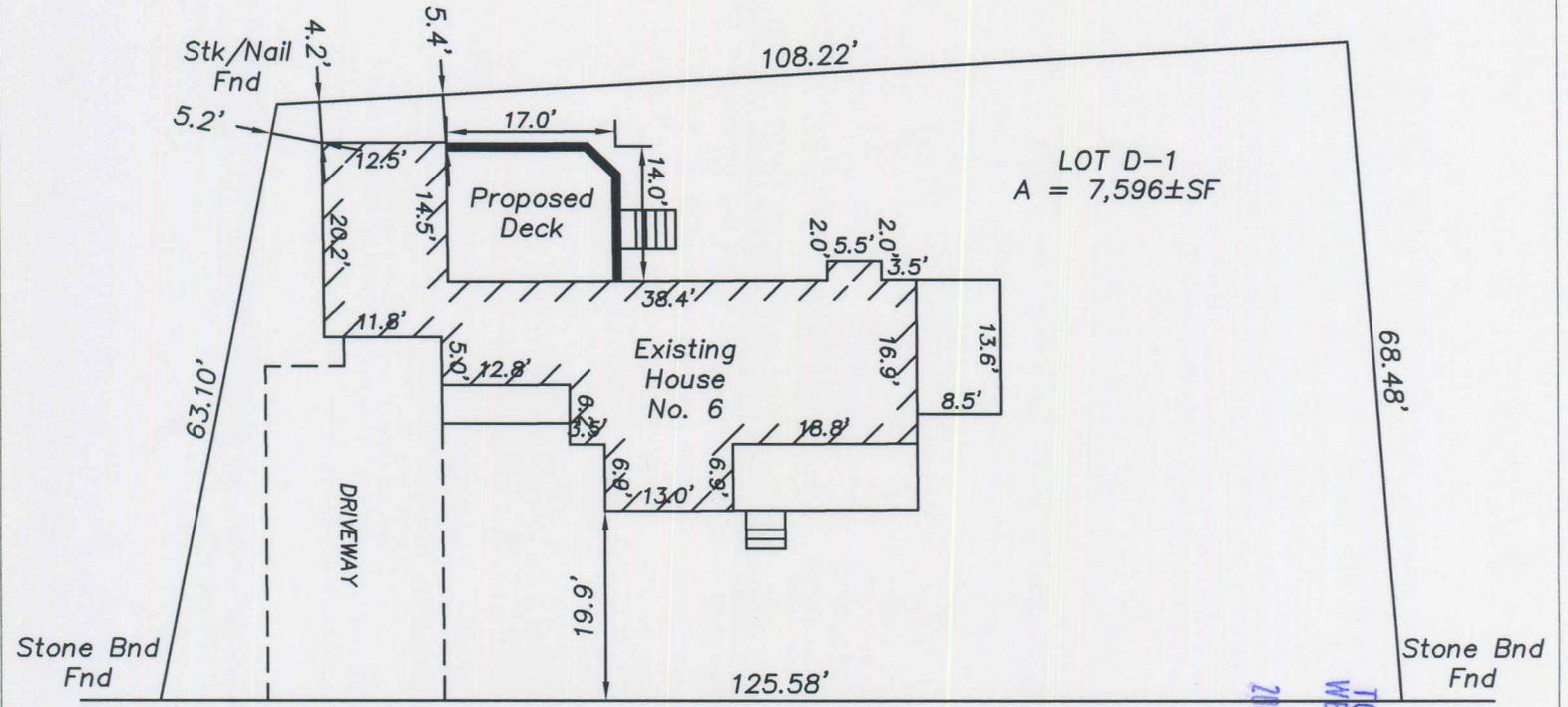
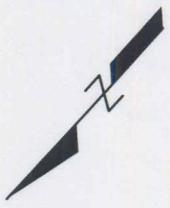
Cc: Planning Board
Inspector of Buildings
edg


Cynthia S. Hibbard, Acting Chairman


Robert A. Bastille


Robert W. Levy

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2003 OCT 22 A 8:08



LOT D-1
A = 7,596±SF

HARVARD STREET

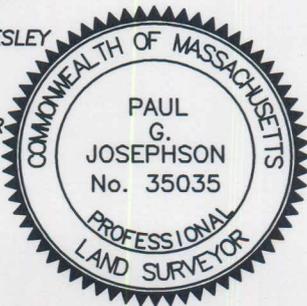
Existing Lot Coverage = 18% (1,331 ±sf)
Proposed Lot Coverage = 20.6% (1,565 ±sf)

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02488
2003 SEP 18 A 9:22
ZONING DISTRICT SRD-10
30' FRONT
20' SIDE
10' REAR

I HEREBY CERTIFY THAT THE BUILDING(S) SHOWN ON THIS PLAN ARE LOCATED ON THE GROUND AS SHOWN. PLAN REFERENCE 7058-M, NOV. 12, 1925

I ALSO CERTIFY THAT THE BUILDING(S) SHOWN HEREON DO NOT LIE WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA AS DEFINED ON THE F.E.M.A. FLOOD HAZARD BOUNDARY MAP FOR THE TOWN/CITY OF WELLESLEY, MASS.

THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY AND IS FOR PERMITTING PURPOSES ONLY. FURTHERMORE, IT IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, FENCES, PLANTINGS, ETC., OR THE CONSTRUCTION OF ADDITIONAL STRUCTURES ON THE LOT.



Name *[Signature]*

Date 8-25-03

ZONING BOARD OF APPEALS
PLOT PLAN
IN
WELLESLEY, MASS.

Scale 1" = 20'

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Fax 508-231-5281