

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ROBERT A. BASTILLE
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ZBA 99-32

Petition of Brian B. and Susan F. Buckley
11 Hardy Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 27, 1999 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of BRIAN B. AND SUSAN F. BUCKLEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their existing nonconforming deck and construction of a 16 foot by 20 foot two-story addition with less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback, at 11 HARDY ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 10, 1999, 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 were Brian and Susan Buckley. Mrs. Buckley said that they have a three bedroom, one bath home, with two children, and are in need of more space. On the first floor, they would be expanding the kitchen and adding a family room. On the second floor, they would be adding a bedroom and a bath.

The Board noted that the Planning Board objected to the substantial encroachment into the side yard.

The Board commented that the Buckleys appear to have an unusual lot. The deck and stairs will be removed, and the two-story addition will not encroach as far as the existing deck and stairs. The Board stated that it did not see how an addition could be sited in any other location, and did not feel it would be detrimental in its proposed location.

Mrs. Buckley said that the lot is triangular. If the addition was moved to the center, it would cut the lot in half.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 11 Hardy Street, in a Single Residence District, on a 9,638 square foot triangular lot, with a minimum right side yard clearance of 11.2 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing nonconforming deck and stair, and construction of a 16 foot by 20 two-story addition with a minimum right side yard setback of 14.8 feet, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated April 4, 1999, revised April 9, 1999, drawn by Joyce E. Hastings, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations; and photographs were submitted.

On May 25, 1999, the Planning Board reviewed the petition and opposed the granting of the request based on the substantial encroachment into the side yard.

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 demolition of the existing nonconforming deck and stair and construction of the 16 foot by 20 foot two-story addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition will neither intensify the existing nonconformance, nor will it create new nonconformity as the addition will be less nonconforming than the existing structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct the two-story addition, subject to construction 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

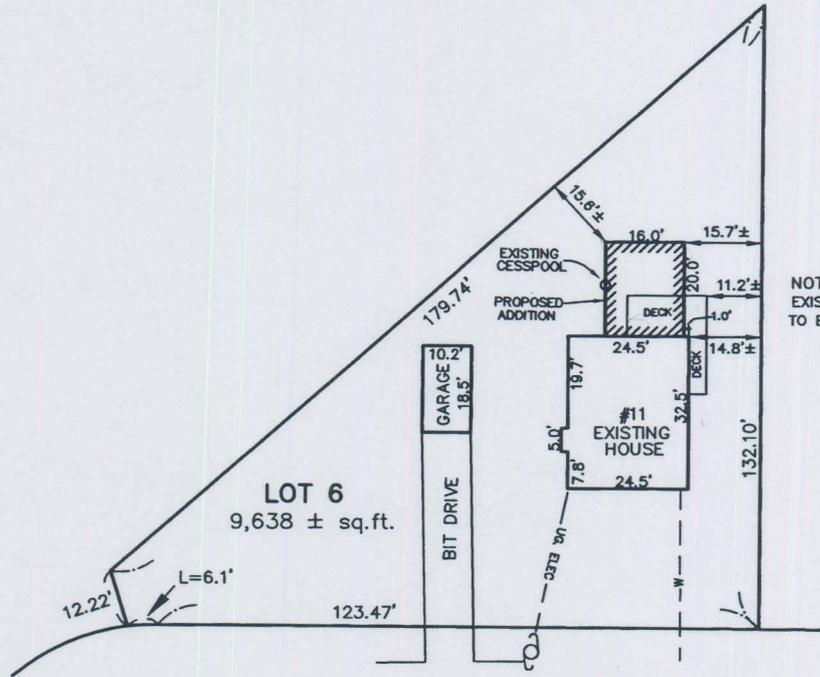
William E. Polletta

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NOTE:
EXISTING DECK
TO BE REMOVED

HARDY ROAD
SCALE 1" = 40'

NOTE:
EXISTING CESSPOOL
TO BE REMOVED
AND HOUSE TO BE
CONNECTED TO
TOWN SEWER PRIOR
TO CONSTRUCTION
OF NEW ADDITION

PERCENT LOT COVERAGE
EXISTING = 12.35%
PROPOSED = 13.76%

I CERTIFY THAT THE BUILDINGS ON THIS
PROPERTY ARE LOCATED AS SHOWN ABOVE



Joyce E. Hastings
PROFESSIONAL LAND SURVEYOR

APRIL 5, 1999
DATE

PLOT PLAN OF LAND
IN
WELLESLEY, MASS.

SCALE : 1" = 40' APRIL 5, 1999
REV 4/9/99

GLM ENGINEERING CONSULTANTS INC.
1750 WASHINGTON STREET
HOLLISTON, MASS. 01903
JOB # 10187