

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

2001 MAY 17 A 9:30

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ROBERT A BASTILLE  
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ZBA 2001-28  
Petition of Robert M. and Jean K. McTighe  
24 Wellesley Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 26, 2001 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 M. AND JEAN K. McTIGHE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 7 foot 2 inch by 6 foot deck with an allowed 4 foot by 3.5 foot landing and 6 foot by 3 foot 8 inch stair, which will have less than the required rear yard setback, at their nonconforming dwelling with less than the required rear yard setback, at 24 WELLESLEY AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 9, 2001, 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 Mr. and Mrs. McTighe. Mrs. McTighe said they had appeared before the Zoning Board in March and received approval to enclose a nonconforming porch, which has less than the required left and rear yard setbacks. They would like to move a door that is within that space closer to the rear of the house, which will require construction of a deck, landing and stair. They are asking for approval to construct a small 6 foot by 7 foot deck and a stair with a landing that is approximately 14 square feet in order to accommodate a change in the location of the door. The new deck will be 13.9 feet from the rear lot line, which is a greater setback than the 12 foot setback of the nonconforming porch.

The Board commented that the Planning Board had no objection provided that the deck, landing and stairs remain open. The Board decided this would be a condition of the decision.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 24 Wellesley Avenue, in a Single Residence District, on an 8,155 square foot lot, and has a minimum left side yard setback of 10 feet and a minimum rear yard setback of 12 feet.

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The petitioners are requesting a Special Permit/Finding that the construction of a 7 foot 2 inch by 6 foot deck and an allowed 4 foot by 3.5 foot landing and 6 foot by 3 foot 8 inch stair, with a minimum rear yard setback of 13.9 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated May 13, 2001, drawn by Philip L. Pattison, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 1/21/01, revised 2/12/01, drawn by Vincent Codispoti, Architect; and photographs were submitted.

On April 24, 2001, the Planning Board reviewed the petition and had no objection to the granting of the request provided that the deck, landing and stairs remain open.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not comply with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the construction of the proposed 7 foot 2 inch by 6 foot deck, together with the allowed landing and stair, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the deck will neither intensify the existing nonconformance, nor will it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the deck and allowed landing and stair in accordance with the submitted plot plan and construction drawings, subject to the following condition.

1. The deck, landing and stair allowed by this decision shall remain open as long as the structure stands.

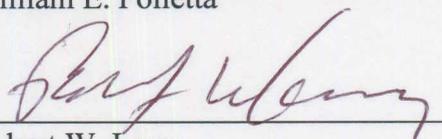
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

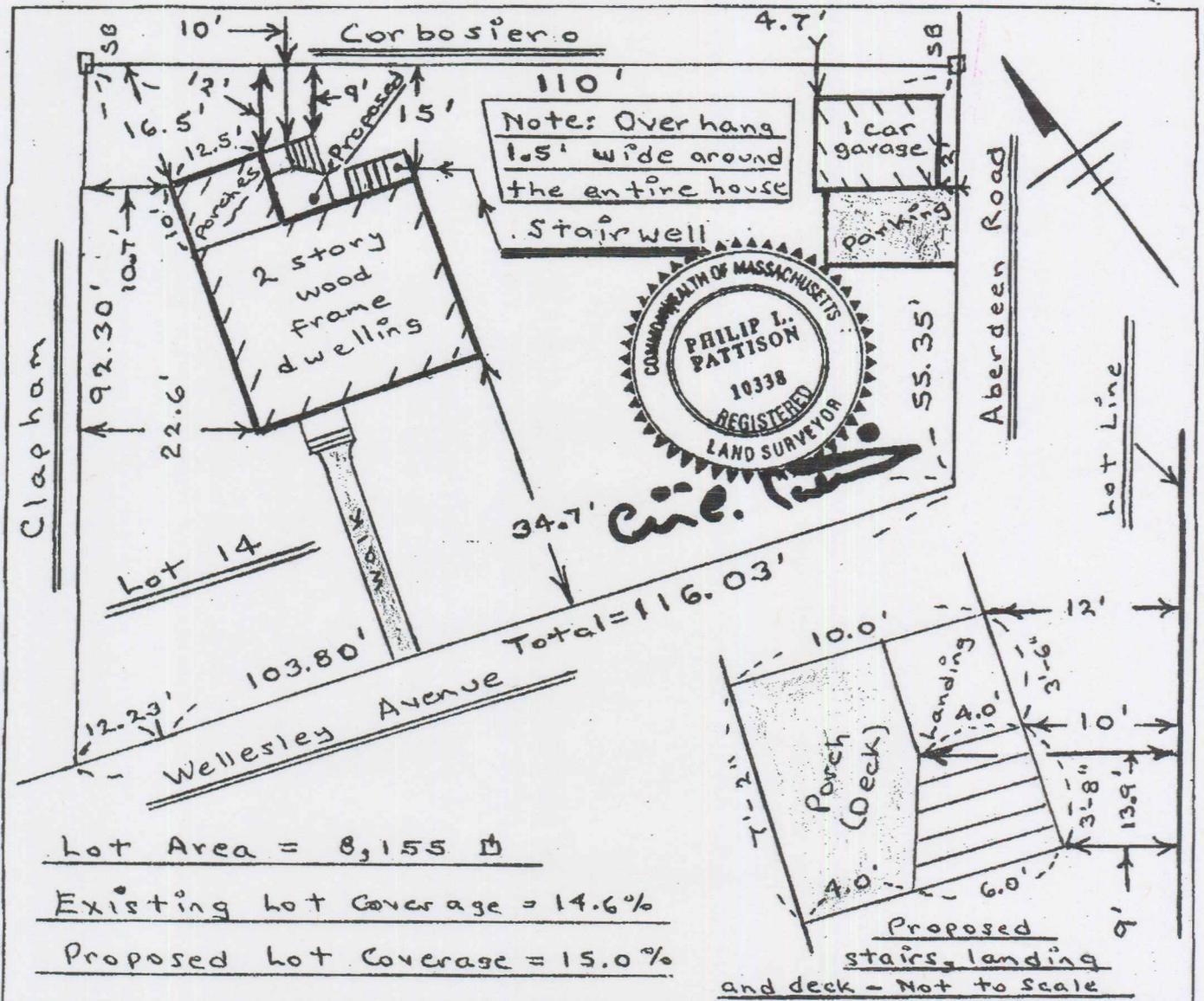
  
Kendall P. Bates, Chairman

  
William E. Polletta

  
Robert W. Levy

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The dwelling/building setbacks (if any) shown on this plot plan are measured from building siding\* unless otherwise noted.

This plot plan is to be used only by the owner listed below, and contains only as much accuracy as is required to obtain a permit for the proposed improvements shown hereon (if any). Setbacks (distances shown from proposed or existing improvements to property lines) cannot be used to establish property lines or to locate fences, landscaping, or any other improvements not shown on this plan.

The surveyor is not responsible for takings, easements or conveyances not contained in the deed provided (or referenced) by client or by the local municipal Assessor or Engineer.

<p>Name: <u>Robert M. + Jean K. McTighe</u></p> <p>Address: <u>24 Wellesley Avenue</u> <u>Wellesley, Mass. 02482</u></p> <p>* <u>Zoning District: General Residence</u> *</p> <p>Scale: 1" = 20'      Date: <u>April 02, 2001</u></p>	<p>Deed Book: <u>3581</u>      Page: <u>524</u></p> <p>Plan: <u>See Land Court Decision</u> <u>No. 83897 - May 13, 1977</u></p> <p>County Registry: <u>Norfolk</u></p> <p><b>Philip L. Pattison, P.E. &amp; P.L.S.</b> 17 Snake Brook Road Wayland, MA 01778</p>
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