

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992 2000 AUG 16 11:24

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ZBA 2000-55
Petition of Michelle Russell and Robert Cantu
41 Park Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 27, 2000 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHELLE RUSSELL AND ROBERT CANTU requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 10 foot by 14.2 foot deck with less than the required front yard setback from PECK AVENUE, at their nonconforming dwelling with less than the required front yard setbacks from PECK AND PARK AVENUES, at 41 PARK AVENUE and less than the required right side yard setback, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 10, 2000, 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 Michelle Russell, who said that they had purchased the property on April 26, 2000. When they made the offer on the house, it was just after a snow storm. They had asked about parking, and were told there was space in front of the house to park two cars. When the snow melted, they found there was only space for one car. Their second car would have to be parked on the street, or on the shared driveway, which would block access to the drive.

They would like to park one car in back of the house, and construct a deck to gain access to the rear of the house.

The Board commented that the Planning Board had no objection to granting the Special Permit as long as the deck remains open and shall never be enclosed. The Board agreed that this recommendation shall be a condition of the granting of the Special Permit.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 41 Park Avenue, in a Single Residence District, on a 3,034 square foot lot and has a minimum front yard clearance of 1 foot from Peck Avenue, a minimum front yard clearance of 15.4 feet from Park Avenue, and a minimum right side yard clearance of 2.5 feet.

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The petitioners are requesting a Special Permit/Finding that the construction of a 10 foot by 14.2 foot deck, with a minimum front yard setback of 1 foot from Peck Avenue, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated May 17, 2000, drawn by Carmen A. Testa, Registered Professional Land Surveyor; Existing and Proposed rear elevations and Proposed floor plan; and photographs were submitted.

On July 17, 2000, the Planning Board reviewed the petition and had no objection to granting the request as long as the deck always remains open and is not to be enclosed.

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 construction of the proposed 10 foot by 14.2 foot deck will not be more substantially detrimental to the neighborhood than the existing nonconforming structure as the existing nonconformity will not be intensified, nor will new nonconformity be created.

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

1. The 10 foot by 14.2 foot deck allowed by this decision shall never be enclosed and shall always remain open.

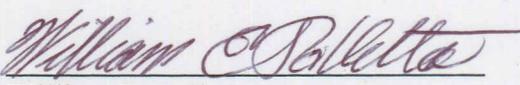
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

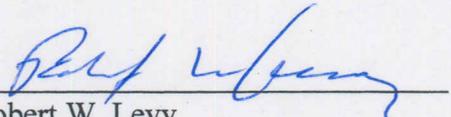
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg

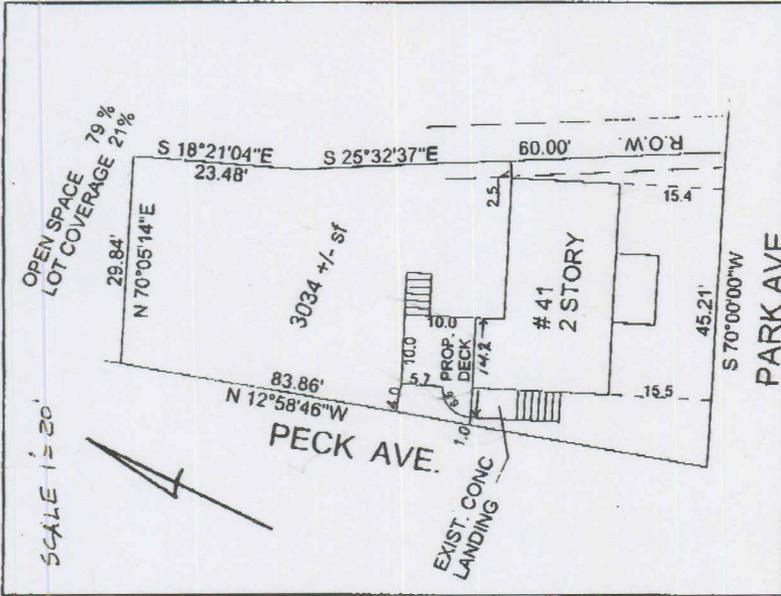
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Kendall P. Bates, Chairman


William E. Polletta


Robert W. Levy

PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN



SCALE 1" = 20'

OPEN SPACE
LOT COVERAGE 79%
21%



MAY 17-2000
DATE

CARMEN A. TESTA
REG. LAND SURVEYOR

617-242-1313
PHONE

UNIT C-Y SHIPWAYS PL.
CHARLESTOWN, MA 02129
ADDRESS



Permit No. _____

APPLICATION
FOR
BUILDING PERMIT

St. and No. _____

Owner _____

Architect _____

Builder _____

Permit Granted

_____ 19 _____

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