

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2000-92  
Petition of Julia and Eugenio Caruso  
15 Avon Road

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NOV 28 2000

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 16, 2000 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 JULIA AND EUGENIO CARUSO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a new two-story dwelling 39.9 feet by 38 feet, which conforms to all zoning requirements as to height, setbacks and percentage of lot coverage at their property at 15 AVON ROAD, which is an undersized lot containing 9,190 square feet in a 10,000 square foot district and a Single Residence District, shall not be substantially more detrimental to the neighborhood than the prior nonconforming structure.

On October 30, 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 Julia Caruso, who said she was requesting a Special Permit to build a two-story conforming house on their property, which is an undersized lot.

The Board stated it was aware of the background on this petition, and had no questions. The Board was of the opinion that the Special Permit could be granted on the condition that the previous Special Permit granted by the Board on June 13, 2000 for construction on the Caruso property be revoked and declared null and void.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 15 Avon Road, in a Single Residence District, on a 9,190 square foot lot in which the minimum lot size is 10,000 square feet.

On May 25, 2000, the petitioners came before the Board requesting a variance to allow construction of a two-story addition 14 feet by 28 feet with less than the required right side yard setback; and a Special Permit/Finding that the construction of a full 40.3 foot by 24.4 foot second story addition with less than the required left and right side yard setbacks and a two-story 2 foot by 25 foot addition with less than the required left side yard setback, shall not be substantially more detrimental to the neighborhood than the

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existing nonconforming structure. On the condition that the two-story addition be sited no closer than 19.8 feet from the right side yard lot line, changing the petition from a variance to a Special Permit/Finding, the Board granted the three Special Permit requests. The decision, ZBA 2000-44, was filed in the office of the Town Clerk on June 13, 2000, and in the Norfolk Registry of Deeds on August 21, 2000.

Due to a misunderstanding, the petitioners were of the opinion that the Special Permit allowed them to demolish the existing house and construct a new house on the premises. Accordingly, they applied for and received a demolition permit from the Building Department. Subsequently, the dwelling was razed to the foundation. Following the demolition, the foundation was found to be without footing and therefore incapable of supporting a new two-story dwelling. At this time, the foundation also was demolished.

The Carusos returned to the Building Department to obtain a building permit for the new structure. As the Special Permit granted by the Board of Appeals did not include demolition of the existing structure and construction of a new two-story dwelling, but only two two-story additions and the addition of a second story over the existing nonconforming dwelling, the Building Department would not issue a permit for construction of the new dwelling on an undersized lot.

The Carusos are now requesting a Special Permit/Finding that the construction of a new 39.9 foot by 38 foot two-story dwelling, which complies with all zoning setbacks, height and percentage of lot coverage on their undersized lot, shall not be substantially more detrimental to the neighborhood than the prior nonconforming structure.

A Plot Plan dated October 27, 2000, drawn by Paul Finocchio, Registered Professional Land Surveyor: and Proposed Floor Plans and Elevations dated October 27, 2000, drawn by Domenic Sicari Associates, LTD were submitted.

On November 14, 2000, the Planning Board reviewed the petition and noted that while the current project meets zoning setback requirements, the bulk of the house is greater than that of the house razed, notwithstanding the fairly small lot.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject lot with an area of 9,190 square feet is nonconforming in that it is located in a district in which the minimum lot sized required is 10,000 square feet.

This Authority finds that the proposed construction of a new two-story dwelling 39.9 feet by 38 feet, which meets all the zoning setback requirements, height and percentage of lot coverage, shall not be substantially more detrimental to the neighborhood than the prior nonconforming dwelling as it will neither intensify the prior nonconformance nor create new nonconformance.

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

The prior Special Permit (ZBA 2000-44) granted to the petitioners on June 13, 2000 and recorded at the Norfolk Registry of Deeds on August 21, 2000, is hereby revoked and declared to be null and void.

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.

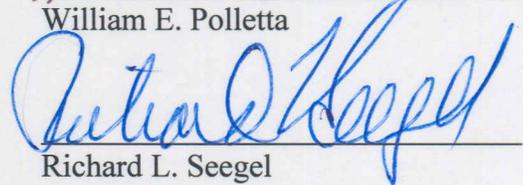
Cc: Planning Board  
Inspector of Buildings  
edg



Kendall P. Bates, Chairman



William E. Polletta



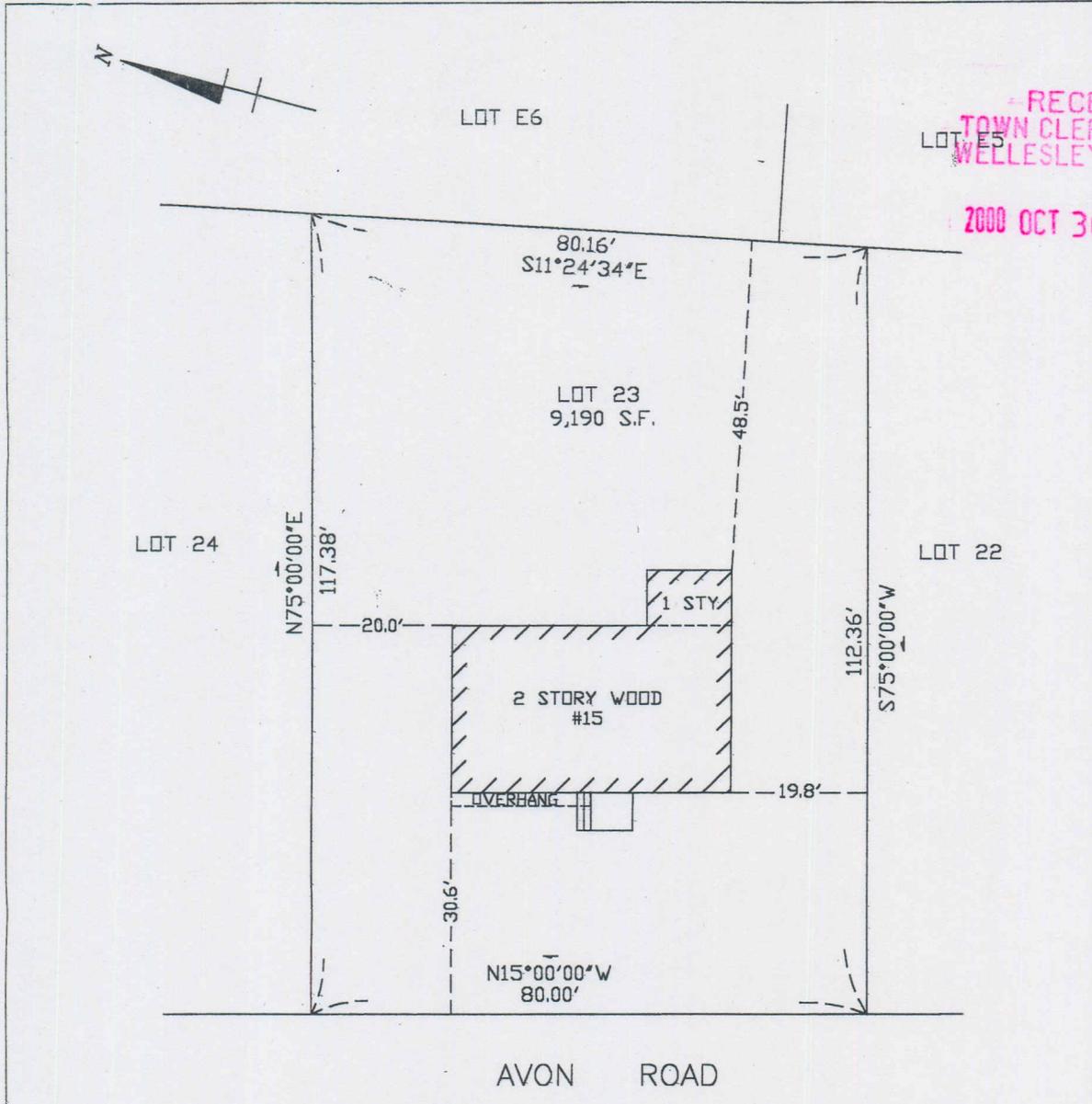
Richard L. Seegel

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Prior

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2000 OCT 30 P 12:37



NOTE: BEARING SYSTEM IS ASSUMED

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED FROM AN ACTUAL ON THE GROUND SURVEY.

PLOT PLAN OF LAND  
IN  
WELLESLEY, MASS.

PREPARED BY:  
PJF & ASSOCIATES  
11 GLEASON ST. MEDFORD, MA.  
PAUL J. FINOCCHIO-P.L.S.  
(781)395-7662

SCALE: 1" = 20'

DEED REF: BK 8970 PG 637

DATE: JANUARY 25, 2000

FILE No: 4427

*Paul J. Finocchio*  
2/25/00  
PAUL J. FINOCCHIO P.L.S. No.36115 DATE

