

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ZBA 2001-11
Petition of Lincoln and Yvonne Muir
14 Woodlawn Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 22, 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 LINCOLN AND YVONNE MUIR requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing nonconforming deck with less than the required right side yard setback, construction of a conforming addition and reconstruction of a 13.4 foot by 15.4 foot portion of the deck with the same minimum right side yard setback, at their nonconforming dwelling with less than the required right side yard setback, at 14 WOODLAWN AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 5, 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 was Yvonne Muir, who said they would like to rebuild part of the deck on the right side in the same location. They are also building a conforming addition containing a small family room and a two-car garage. The existing detached garage will be demolished.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 14 Woodlawn Avenue, in a Single Residence District, on an 11,063 square foot lot, and has a minimum right side yard clearance of 11.3 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of the existing nonconforming deck with a minimum right side yard clearance of 12.7 feet, construction of a conforming addition and reconstruction of a 13.4 foot by 15.4 foot portion of the deck with the same minimum right side yard clearance of 12.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated January 23, 2001, drawn by George N. Guinta, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated February 2, 2001, drawn by H.P. Rovinelli Architects; and photographs were submitted.

On February 13, 2001, the Planning Board reviewed the petition and had no objection to the request.

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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 demolition of the existing nonconforming deck and reconstruction of a 13.4 foot by 15.4 foot portion of the deck with the same minimum right side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the reconstruction shall not intensify the existing nonconformance nor will it create new nonconformity as the minimum setback shall remain the same.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing nonconforming deck and reconstruction of a 13.4 foot by 15.4 foot portion of the nonconforming deck 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

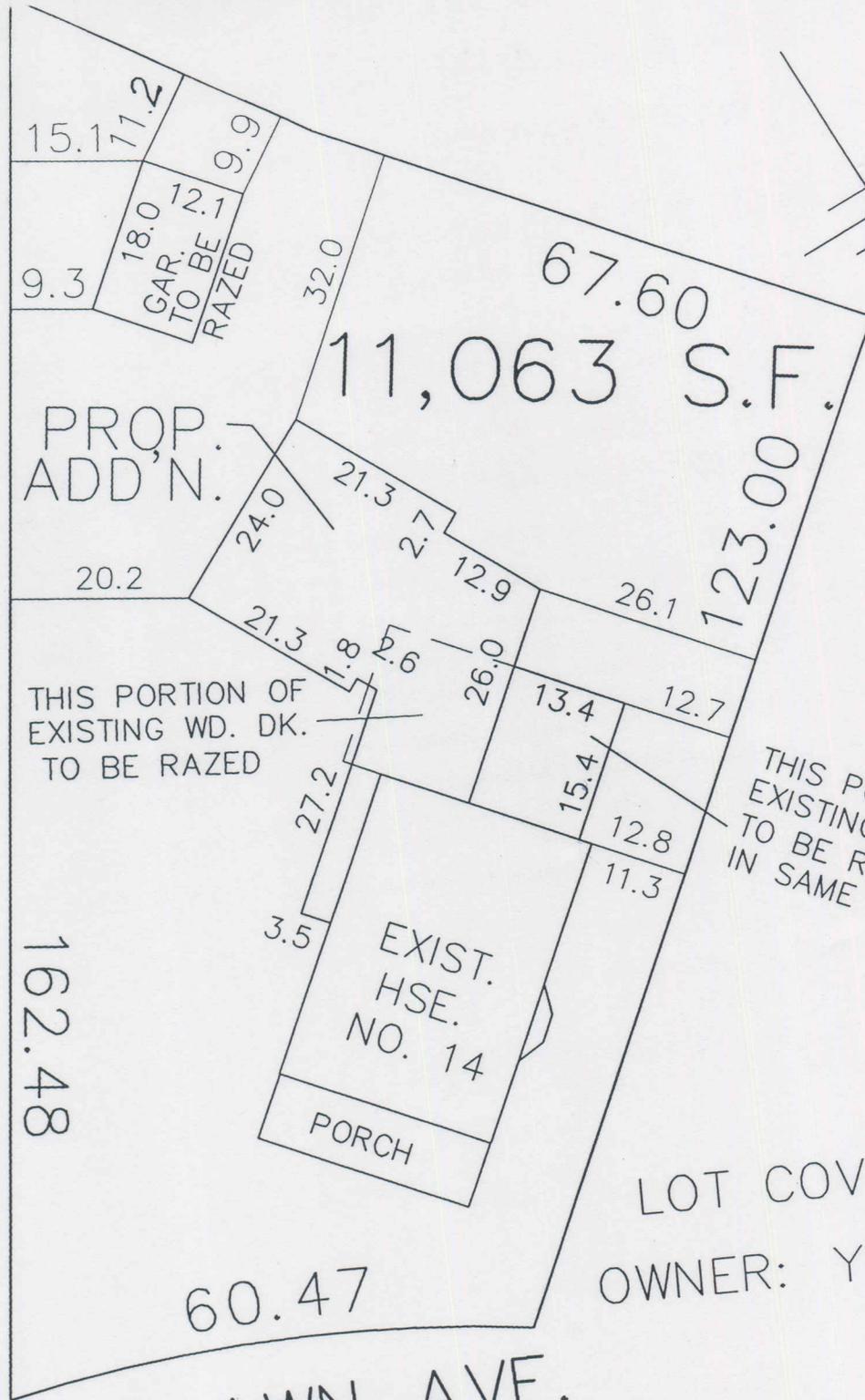
Kendall P. Bates, Chairman

William E. Polletta

Richard L. Seegel

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THIS PORTION OF
EXISTING WD. DK.
TO BE RAZED

THIS PORTION OF
EXISTING WD. DK.
TO BE REBUILT
IN SAME LOCATION

LOT COV.=18.78%

OWNER: YVONNE MUIR

WOODLAWN AVE.

PLOT PLAN OF LAND
WELLESLEY, MASS.

JAN. 23, 2001 SCALE 1"=20'
NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST.
NEEDHAM, MA.

