

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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2002 FEB 20 A 8:17

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ZBA 2002-4
Petition of William J. Carrigan and Laura Imperatore
36 Appleby Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 31, 2002 at 7:30 p.m. on the petition of WILLIAM J. CARRIGAN AND LAURA IMPERATORE 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 deck and construction of a two-story addition with a 41.50 foot by 14 foot first floor and a 32 foot by 3.83 foot second floor, which will have less than the required right side yard setback for the first floor, at their nonconforming property with less than the required front, left and right side yard setbacks, at 36 APPLEBY ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 14, 2002, 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 William Carrigan and Laura Imperatore. Ms. Imperatore said they would like to expand their kitchen area at the rear of the house, and add a full bathroom to replace the existing half bath. A part of the bathroom would be nonconforming. There will be a full foundation beneath the addition.

The Board stated that the proposed addition encroaches about 1.5 feet into the right side yard setback, which is much less than the encroachment of the existing house.

The Board noted that the Planning Board had no objection to 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 36 Appleby Road, in a 10,000 square foot Single Residence District, on a 10,639 square foot lot, and has a minimum front yard setback of 29.8 feet; a minimum left side yard setback of 15.8 feet and a minimum right side yard setback of 10.5 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing deck and construction of a two-story addition, which would have a nonconforming 41.50 foot by 14 foot first floor with a minimum right side yard setback of 18.4 feet and a conforming 32 foot by 3.83 foot second floor,

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shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated December 13, 2001, stamped by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations, dated 12/10/01, drawn by Chris Carlev, Architect; and photographs were submitted.

On January 29, 2002, the Planning Board reviewed the petition and had no objection to the granting of the request, as the applicant has kept the right setback of the proposed addition at a greater distance from the sideline than the existing house.

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.

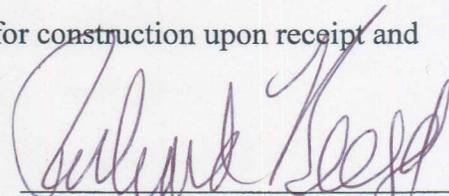
It is the finding of this Authority that the construction of the two-story addition, with a nonconforming first floor and a conforming second floor, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformance nor will it create new nonconformity as it will be far less nonconforming than the existing nonconforming structure.

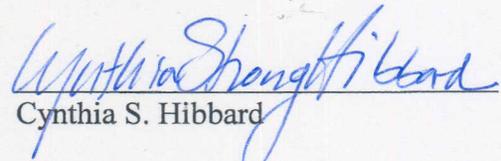
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing deck and construction of the two-story addition in accordance with the submitted plot plan and construction drawings.

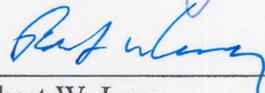
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Richard L. Seegel, Acting Chairman


Cynthia S. Hibbard


Robert W. Levy

