

TOWN OF WELLESLEY



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2002 MAY 16 A 8:19

ZONING BOARD OF APPEALS

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

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ZBA 2002-34
Petition of Raquel S.M. Woodard
16 Howe Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 25, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of RAQUEL S.M. WOODARD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 25.8 foot by 13.3 foot two-level deck with less than the required rear yard and right side yard setbacks at her nonconforming dwelling with less than the required right and rear yard setbacks at 16 HOWE STREET in a 10,000 square foot Single Residence District shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 4, 2002, the petitioner 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 Raquel Woodard, who said that she would simply like to build a two-level deck. The levels would be divided where the stairs are currently located. The deck is designed in the style of the house, which was built in 1885.

The Board noted that the Planning Board stated that the 1.5 foot encroachment seemed to be minor, but did not want to see the deck enclosed and then built over.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 16 Howe Street in a 10,000 square foot Single Residence District, on a 6,253 square foot lot, and has a minimum right side yard setback of 7.6 feet and a minimum rear yard setback of 8.4 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a 25.8 foot by 13.3 foot two-level deck, with a minimum right side yard setback of 15.8 feet and a minimum rear yard setback of 8.5 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated September 10, 1998, revised March 7, 2001, stamped by Peter G. Hoyt, Professional Land Surveyor: Floor Plan and Rear Elevation; and photographs were submitted.

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On April 23, 2002, the Planning Board reviewed the petition and expressed concern about a potential progression of requests resulting from the deck construction; i.e. a deck becomes a screened porch, becomes an all-season porch, becomes a multi-story addition.

The Board was in complete agreement with the concerns of the Planning Board in regard to any future construction regarding the proposed deck.

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.

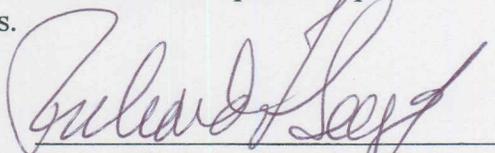
It is the finding of this Authority that the proposed 25.8 foot by 13.3 foot two-level deck shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure although it will intensify the existing nonconformance, it will not create new nonconformity. However, this Authority would firmly discourage any further use of the deck as a foundation for future construction.

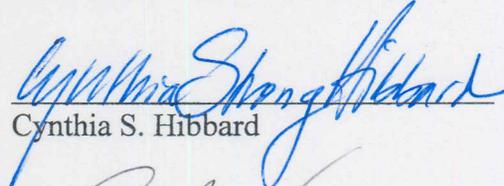
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the 25.8 foot by 13.3 foot two-level deck in accordance with the submitted plot plan and construction drawings.

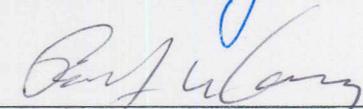
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

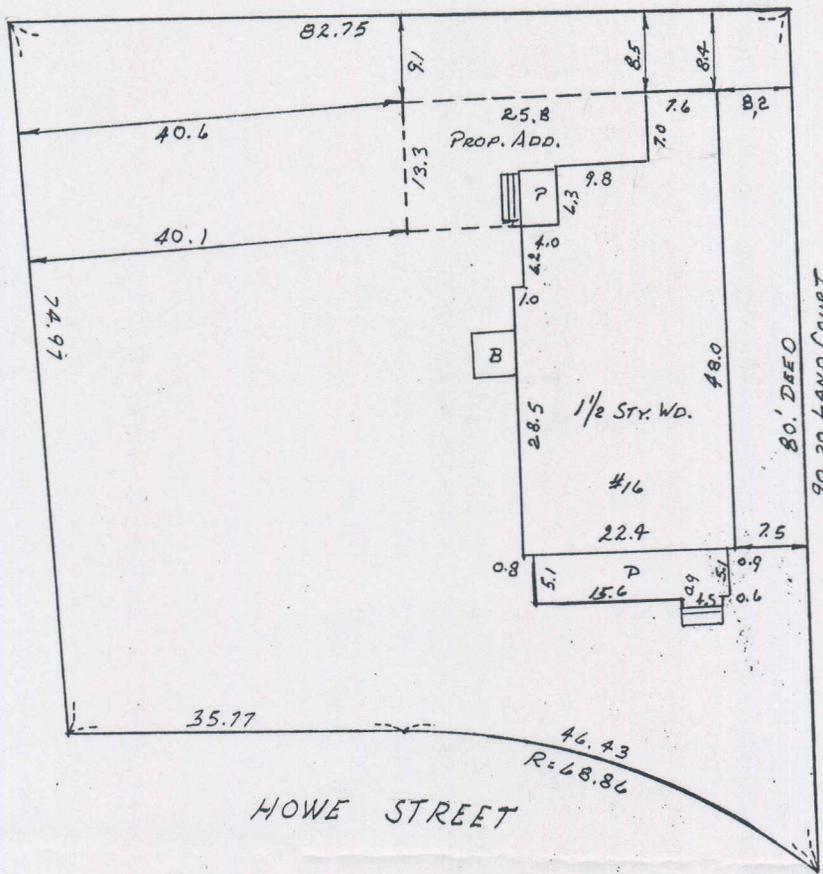
Cc: Planning Board
Inspector of Buildings
edg


Richard L. Seegel, Acting Chairman


Cynthia S. Hibbard


Robert W. Levy

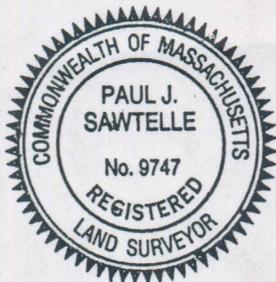
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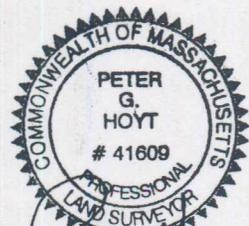
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AREA = 6253 ± S.F.
EXISTING LOT COVERAGE = 16.7%
PROPOSED LOT COVERAGE = 21.2%

PLAN OF LAND
IN
WELLESLEY, MASS.



SCALE 1"=20' SEPTEMBER, 10, 1998
MASS. BAY SURVEY INC. NEWTON, MASS.



UPDATE MARCH 7, 2001

Peter G. Hoyt 3/07/01