



ZONING BOARD OF APPEALS

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

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ZBA 2002-41
 Petition of Edwin T. and Mary E. Donahue
 17 Russell Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 23, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of EDWIN T. AND MARY E. DONAHUE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their existing nonconforming deck and construction of a 13 foot by 13 foot one-story patio room with less than the required left side yard setback, at their nonconforming dwelling with less than the required left and right side yard setbacks, at 17 RUSSELL 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 May 6, 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 Edwin and Mary Donahue. Mrs. Donahue said they would like to build a three-season 13 foot by 13 foot patio room at the back of their house.

The Board noted that the Planning Board had no objection as there would be no further encroachment into the left side yard.

The Board stated that two of the submitted plans seemed to have been cut in half and requested that the Donahues submit two full sheets for the Deck Framing Plan and the Layout Plan.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 17 Russell Road, in a 10,000 square foot Single Residence District, on a 10,119 square foot lot, and has a minimum right side yard setback of 14.6 feet and a minimum left side yard setback of 10.7 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of their existing nonconforming deck and construction of a one-story three-season 13 foot by 13 foot patio room, with a minimum left side yard setback of 13.1 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated April 4, 2002, stamped by Kevin J. Jarvis, Professional Land Surveyor; Floor Plan and Elevation Drawings dated April 5, 2002, drawn by Betterliving Patio Rooms; and photographs were submitted. The requested full size drawings for the Deck Framing Plan and the Layout Plan were submitted on May 28, 2002 by Betterliving Patio Rooms.

On May 14, 2002, the Planning Board reviewed the petition and had no objection to the granting of the Special Permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the public hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

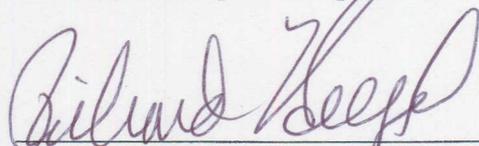
It is the finding of this Authority that the proposed demolition of the existing nonconforming deck and construction of the 13 foot by 13 foot one-story patio room shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the proposed patio room will neither intensify the existing nonconformance, nor create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to demolish the existing deck and construct the 13 foot by 13 foot one-story patio room 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


Robert A. Bastille


J. Randolph Becker

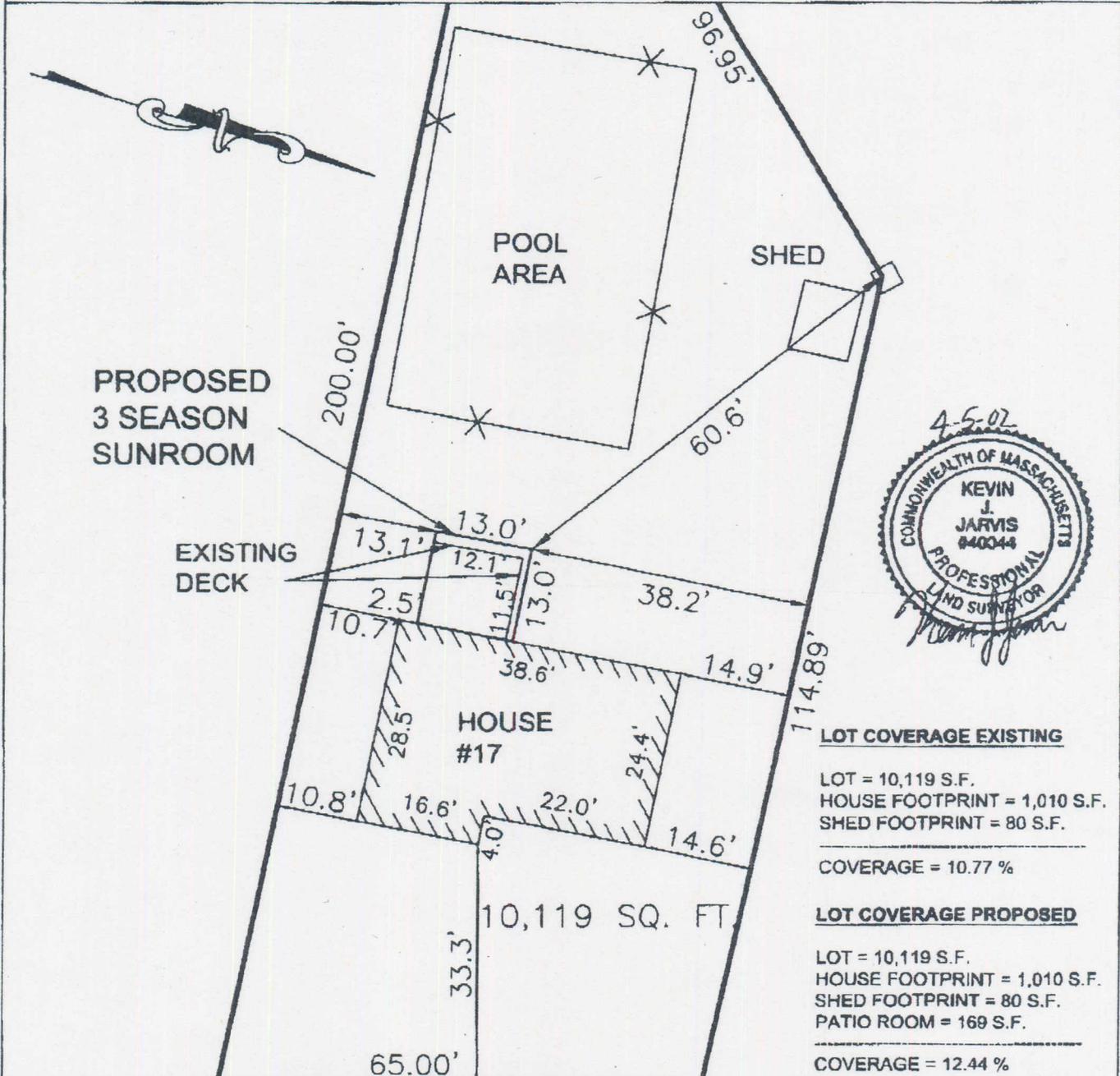
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PLOT PLAN
PREPARED FOR
EDWIN T. MARY E. DONAHUE
17 RUSSELL ROAD
WELLESLEY, MASSACHUSETTS

JARVIS LAND SURVEY, INC
420 BOSTON TURNPIKE
SHREWSBURY, MA 01545
TEL. (508) 842-8087
FAX (508) 842-0661
EMAIL: JARVISLAND@AOL.COM

APRIL 2, 2002

SCALE: 1 INCH = 20 FEET



LOT COVERAGE EXISTING

LOT = 10,119 S.F.
 HOUSE FOOTPRINT = 1,010 S.F.
 SHED FOOTPRINT = 80 S.F.

COVERAGE = 10.77 %

LOT COVERAGE PROPOSED

LOT = 10,119 S.F.
 HOUSE FOOTPRINT = 1,010 S.F.
 SHED FOOTPRINT = 80 S.F.
 PATIO ROOM = 169 S.F.

COVERAGE = 12.44 %

RUSSELL ROAD