



ZONING BOARD OF APPEALS

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

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ZBA 2003-36

Petition of William and Pamela Berutti
 14 Benvenue Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 8, 2003 at 7:30 p.m., in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of WILLIAM AND PAMELA BERUTTI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling, with less than the required right side yard setback, at 14 BENVENUE STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A one-story 20 foot by 20 foot addition with less than the required right side yard setback.
2. A 24 foot by 30 foot wrap-around deck of which the 10 foot by 24 foot portion will have less than the required right side yard setback.

On April 22, 2003, 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 Ray Wiese, project contractor, representing the Beruttis, who were in Europe. Mr. Wiese said the existing house is nonconforming on the right side. The right side of the property is sloped. The addition has been stepped back from the house, and the deck stepped back from the addition, so that both would be less nonconforming than the existing house.

The Board noted that the Planning Board had no objections to the granting of the request, and that the right side is buffered from the abutting property.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 14 Benvenue Street, in a 10,000 square foot Single Residence District, on a 10,309 square foot lot, and has a minimum right side yard setback of 10.8 feet.

The petitioner are requesting a Special Permit/Finding that the following construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A 20 foot by 20 foot one-story addition with a minimum right side yard clearance of 12.3 feet.
2. A 24 foot by 30 foot wrap-around deck of which the 10 foot by 24 foot portion will have a minimum right side yard clearance of 15.7 feet.

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14 Benvenue Street

A Plot Plan dated December 19, 2002, stamped by Frank Iebba, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated April 10, 2003, drawn by The Wiese Company; and photographs were submitted.

On April 29, 2003, the Planning Board reviewed the petition and had no objection to the granting of the request. The proposed addition does not further decrease the right side yard setback. Mass and bulk do not appear to be an issue, and the addition is within the maximum lot coverage allowed.

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 stated in the foregoing Statement of Facts.

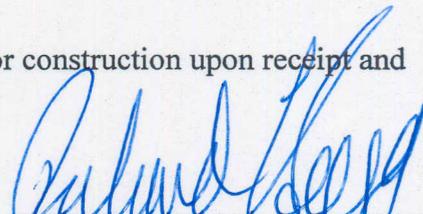
It is the finding of this Authority that neither the proposed one-story 20 foot by 20 foot addition, nor the 10 foot by 24 foot portion of the deck, both of which having less than the required right side yard setback, shall be substantially more detrimental to the neighborhood than the existing nonconforming structure. Neither the addition nor the deck shall intensify the existing nonconformance, nor shall either create new nonconformity, as both are less nonconforming than the existing structure.

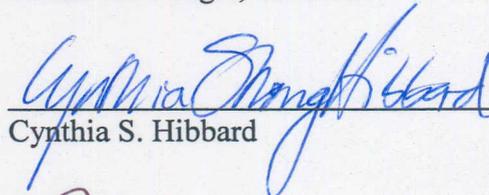
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the one-story addition and deck in accordance with the submitted plot plan and construction drawings.

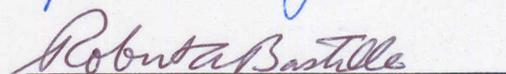
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

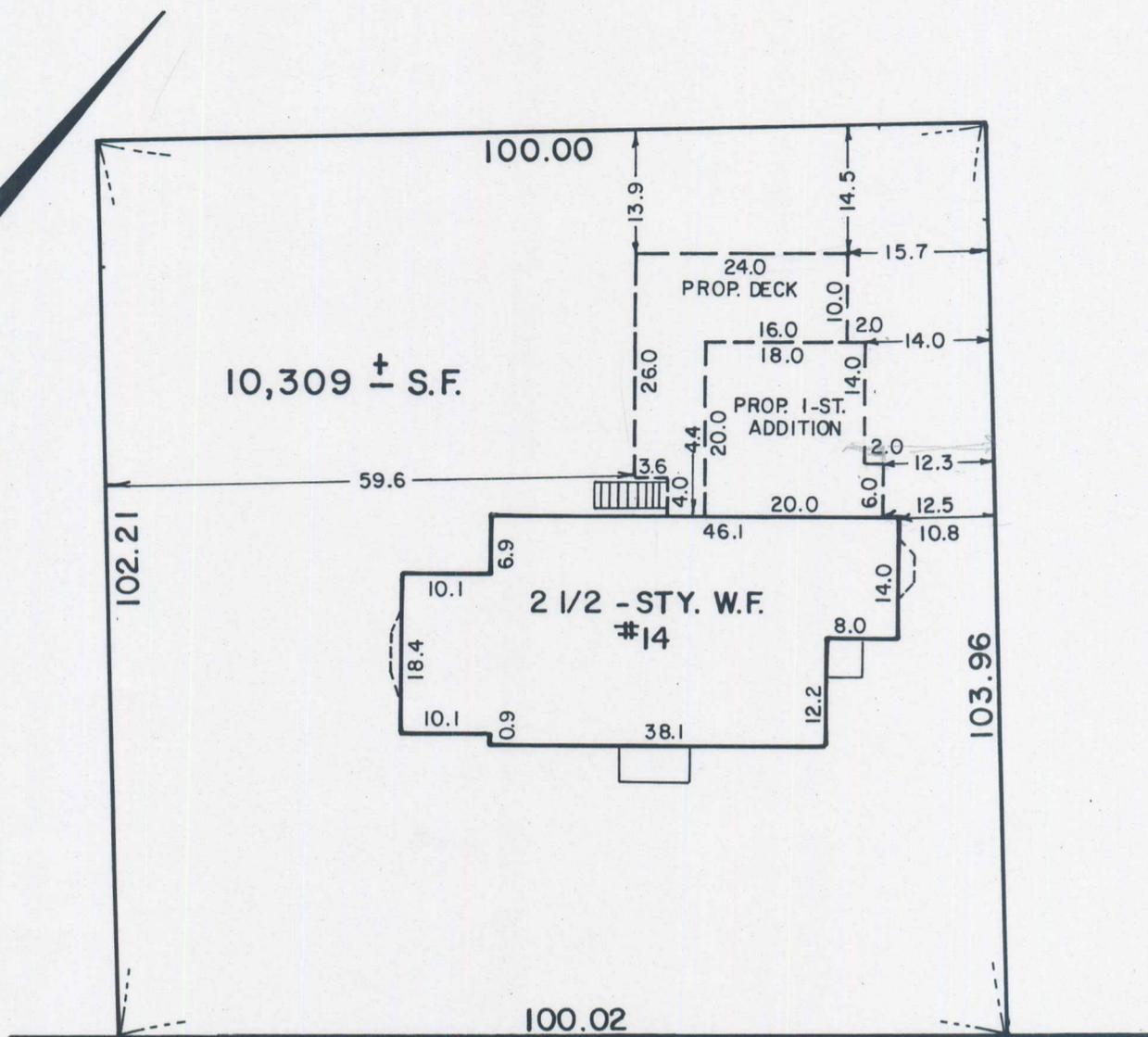

Richard L. Seegel, Chairman


Cynthia S. Hibbard


Robert A. Bastille

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LOT AREA = 10,309 ± S.F.
 LOT COVERAGE = 12.6 %
 PROP. LOT COVERAGE = 19.9 %



BENVENUE STREET



Handwritten signature

617-797-7342

PLAN OF LAND
 IN

WELLESLEY, MASS.

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SCALE: 1" = 20'
 ESSEX ENGINEERING & SURVEY

DEC. 19, 2002
 NEWTON, MASS.
 REVISED: APRIL 7, 2003