

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

2004 JUL 23 10 08 19

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ZBA 2004-44
Petition of Patricia and Andrew Mirsky
309 Oakland Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 15, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of PATRICIA AND ANDREW MIRSKY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 9.1 foot by 17.4 foot addition with less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback, at 309 OAKLAND STREET, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 28, 2004, 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 Andrew Mirsky, who said they would like to build a small two-story addition, which would be inset further than the house from the left side line. The kitchen is small. The first floor would provide additional space for an eating area, and additional closet space on the second floor. The addition would not be more nonconforming than the existing house on the left side.

The Board noted that the Planning Board had no objection to the granting of the request.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 309 Oakland Street, in a 15,000 square foot Single Residence District, on an 18,650 square foot lot, and has a minimum left side yard setback of 18.7 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a two-story 9.1 foot by 17.4 foot addition, with a minimum left side yard setback of 18.8 feet from the left rear corner, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/23/04, stamped by Peter M. Ditto, Registered Professional Land Surveyor; Existing and Proposed floor plans and elevation drawings dated 6/16/04, prepared by Blodgett Consulting; and photographs were submitted.

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On July 13, 2004, the Planning Board reviewed the petition and had no objection to the granting of the request.

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.

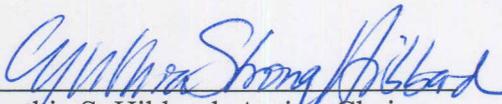
It is the finding of this Authority that the construction of the two-story 9.1 foot by 17.4 foot addition with a minimum left side yard setback of 18.8 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition shall neither intensify the existing nonconformance, nor shall it create new nonconformance.

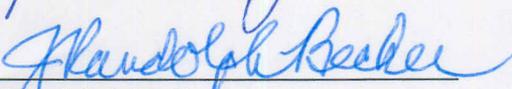
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the two-story 9.1 foot by 17.4 foot addition in accordance with the submitted plot plan and construction drawings.

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


Cynthia S. Hibbard, Acting Chairman


J. Randolph Becker


Robert W. Levy

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