

TOWN OF WELLESLEY



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2004 SEP -1 A 10:46

ZONING BOARD OF APPEALS

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ZBA 2004-48

Petition of Joseph and Lynn Russo
81 Audubon Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 12, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOSEPH AND LYNN RUSSO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that raising the ridgeline of the roof 8.5 feet above the existing 12.2 foot by 13.5 foot nonconforming sunroom to accommodate a second story addition with the same dimensions and less than the required right side yard setback at their nonconforming dwelling with less than the required left and right side yard setbacks, at 81 AUDUBON ROAD, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 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 was Joseph Russo. Mr. Russo said that one corner of the existing nonconforming structure was 17.3 feet from the right side lot line.

The Board asked if the porch was part of the original structure and if there was a foundation beneath the porch. Mr. Russo said that there is a brick and concrete foundation.

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

Statement of Facts

The subject property is located at 81 Audubon Road, in a 20,000 square foot Single Residence District, and has a minimum right side yard clearance of 17.3 feet and a minimum left side yard clearance of 19.8 feet.

The petitioners are requesting a Special Permit/Finding that raising the ridgeline of the roof 8.5 feet above the existing 12.2 foot by 13.5 foot nonconforming sunroom to accommodate a second story addition with the same dimensions, with a minimum of 17.3 feet right side yard clearance, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 6/25/02, stamped and signed by George Giunta, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevation Drawings, prepared by Ted Smith; and photographs were submitted.

On August 10, 2004, the Planning Board reviewed the petition and had no objection to granting the request.

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.

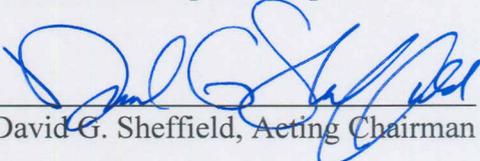
It is the finding of this Authority that raising the ridgeline of the roof 8.5 feet above the existing 12.2 foot by 13.5 foot nonconforming sunroom to accommodate a second story addition with the same dimensions with a minimum right side yard setback of 17.3 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as raising the ridgeline of the roof shall neither intensify the existing nonconformance, nor shall it create new nonconformity as the right side yard setback shall remain the same.

Therefore, a Special Permit is granted, as voted unanimously by this Authority, for raising the ridgeline of the roof 8.5 feet above the existing 12.2 foot by 13.5 foot sunroom to accommodate a second story addition with the same dimensions 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.

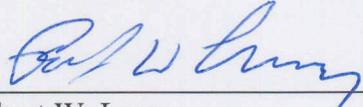
Cc: Planning Board
Inspector of Buildings
Irm



David G. Sheffield, Acting Chairman

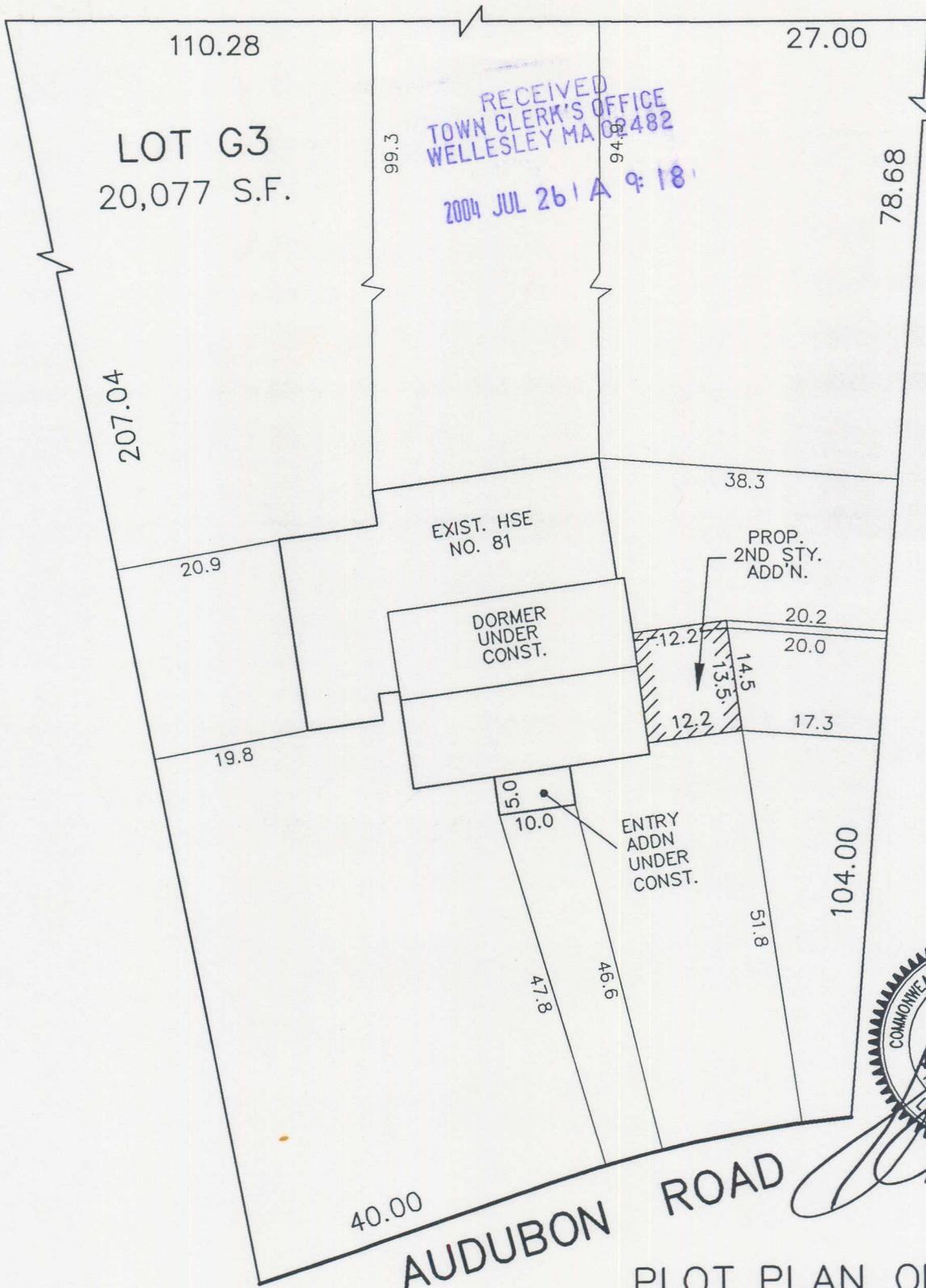


Robert A. Bastille



Robert W. Levy

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LOT COV.=08.68%
SQ. FTG. 1,753.59

**PLOT PLAN OF LAND
WELLESLEY, MASS.**
JUNE 25, 2002 SCALE 1"=20'
NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST.
NEEDHAM, MA. 02492
781-444-5936
OWNER: JOSEPH & LYNN RUSSO