

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ROBERT A BASTILLE
J. RANDOLPH BECKER
ROBERT W. LEVY

ZBA 2004-52
Petition of Edward and Suzan Kelley
23 Howe Street

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 EDWARD AND SUZAN KELLEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of the existing nonconforming deck and construction of a two story 16 foot by 26 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, 23 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 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 at the hearing was Edward Kelley, who said that he had met with his neighbors and they had no objections to the plans.

The Board asked if there would be sufficient space to accommodate emergency vehicles between the proposed addition and the existing garage. Suzan Kelley said that she had spoken with the excavator and was told that there was sufficient room to accommodate heavy equipment.

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

Statement of Facts

The subject property is located at 23 Howe Street, in a 10,000 square foot Single Residence District on a 10,200 square foot lot that has a minimum left side yard setback of 11 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of the existing nonconforming deck and construction of a two story 16 foot by 26 foot addition with a minimum 11 foot left side yard setback at their nonconforming dwelling with a minimum 11 foot left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 11/24/03, revised 7/19/04, stamped by Joseph R. Sullivan, Registered Professional Land Surveyor; Proposed and Existing Floor Plans and Elevation Drawings, prepared by J. Hagerty Residential Design, 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.

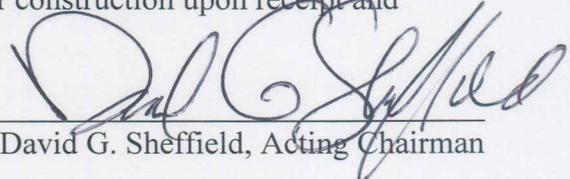
It is the finding of this Authority that the proposed demolition of the existing nonconforming deck and construction of a two story 16 foot by 26 foot addition with a minimum 11 foot left side yard setback at their nonconforming dwelling with a minimum 11 foot left side yard setback, shall be an intensification of the use of the lot, as the lot coverage shall expand from 1,780 square feet (17.45%) to 2,119.56 square feet (20.78%) and the height of the addition shall expand from porch level to 2 stories.

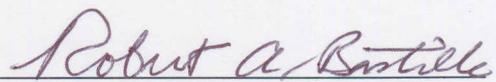
It is the finding of this Authority that although the new structure may be larger and higher than the existing structure, it will not increase the existing nonconformity, and shall not create any new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to demolish the existing porch and construct the new addition in accordance with the submitted plot plan and construction drawings, subject to the condition that the height of the ridgeline of the proposed structure from average mean grade, does not exceed the 36 foot limitation in the Zoning Bylaw.

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.


David G. Sheffield, Acting Chairman


Robert A. Bastille

Cc: Planning Board
Inspector of Buildings
Irm

Robert W. Levy

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It is the finding of this Authority that the proposed demolition of the existing nonconforming deck and construction of a two story 16 foot by 26 foot addition with a minimum 11 foot left side yard setback at their nonconforming dwelling with a minimum 11 foot left side yard setback, shall be an intensification of the use of the lot, as the lot coverage shall expand from 1,780 square feet (17.45%) to 2,119.56 square feet (20.78%) and the height of the addition shall expand from porch level to 2 stories.

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David G. Sheffield, Acting Chairman

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Robert W. Levy

Cc: Planning Board
Inspector of Buildings

lrm

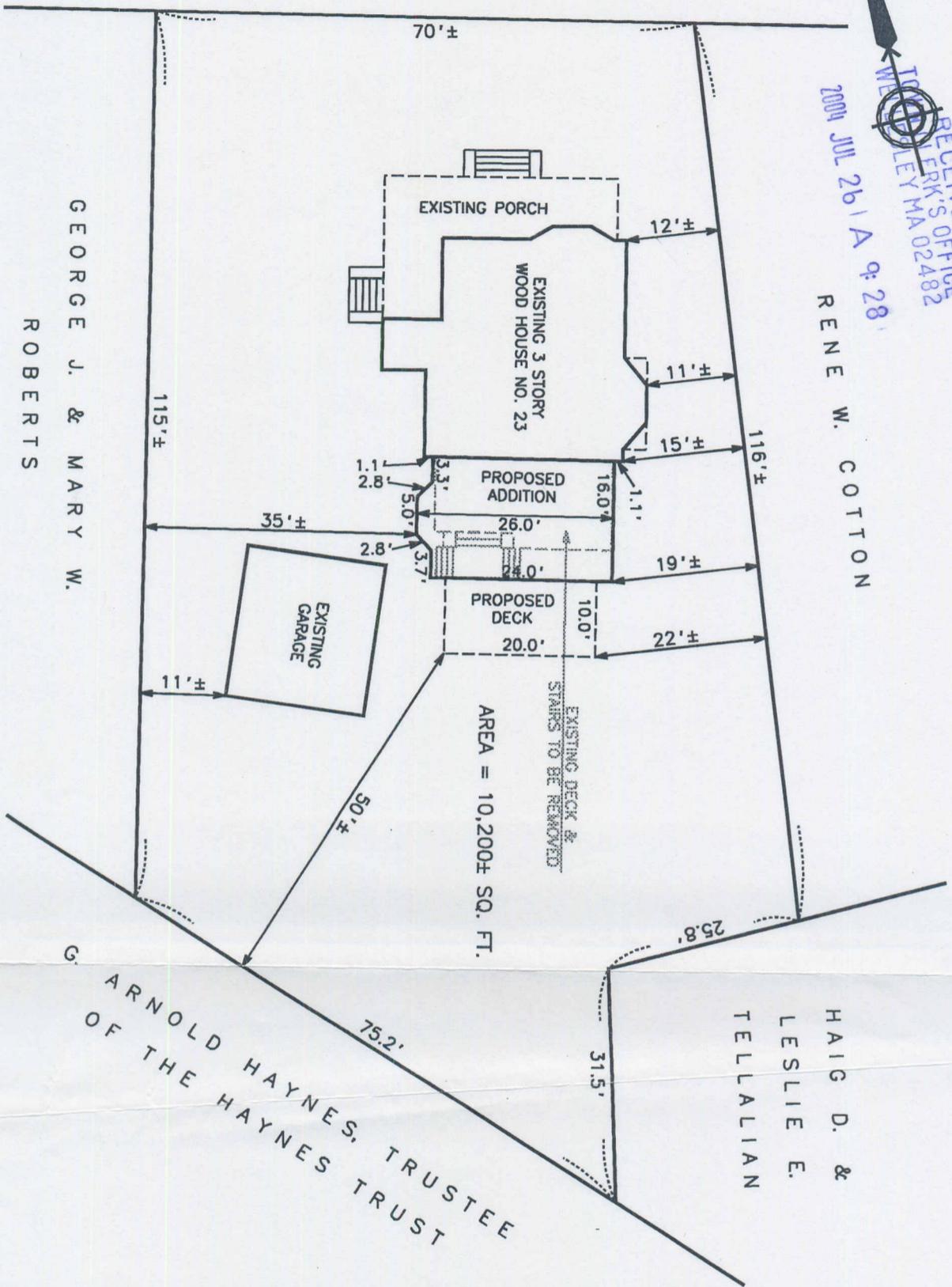
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HOWE STREET



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RENE W. COTTON



GEORGE J. & MARY W. ROBERTS

HAIG D. & LESLIE E. TELLALIAN

ARNOLD HAYNES, TRUSTEE OF THE HAYNES TRUST

EXISTING LOT COVERAGE = 1780 SQ. FT. = 17.45%
 PROPOSED LOT COVERAGE = 2119.56 SQ. FT. = 20.78%

BOARD OF APPEALS PLAN OF LAND IN WELLESLEY, MASS.

APPLICANT :

EDWARD C. & SUZAN R. KELLEY

REVISED JULY 19, 2004

SCALE: 1" = 20' NOVEMBER 24, 2003



JOSEPH R. SULLIVAN
 REG. PROF. SURVEYOR



MaccARTHY & SULLIVAN
 ENGINEERING, INC.

41 BEACON STREET FRAMINGHAM, MASS.
 508-626-8101 01701