

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ZBA 2004-54
Petition of Haig and Leslie Tellalian
12 Curve 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 HAIG AND LESLIE TELLALIAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 15.6 foot by 16.6 foot deck, with less than the required right side yard setback, at their nonconforming dwelling with less than required right side, left side and front yard setbacks, at 12 CURVE 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 Haig Tellalian.

The Board noted that there would be a change of grade behind the proposed deck. The Board asked if the steps would come down on the elevated grade. Mr. Tellalian said that the steps would come down on the elevated grade.

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

Statement of Facts

The subject property is located at 12 Curve Street, in a 10,000 square foot Single Residence District on a 16,770 square foot lot that has a minimum right side yard setback of 7.8 feet, a minimum left side yard setback of 17.3 feet, and a minimum front yard setback of 10.9 feet.

The petitioners are requesting a Special Permit/Finding that construction of a 15.6 foot by 16.6 foot deck, with a minimum right side yard setback of 11.9 feet, at their nonconforming dwelling with a minimum right side yard setback of 7.8 feet, a minimum left side yard setback of 17.3 feet, and a minimum front yard setback of 10.9 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 7/20/04, stamped and signed by George N. Guinta, Registered Professional Land Surveyor; Proposed Construction Plans, prepared by Tellalian Associates Architects & Planners, 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.

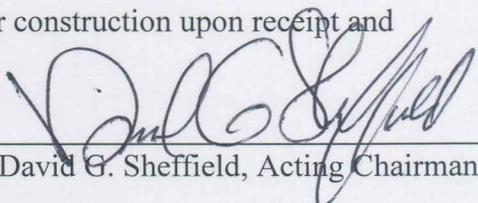
It is the finding of this Authority that the proposed construction of a 15.6 foot by 16.6 foot deck, with a minimum right side yard setback of 11.9 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as construction of the deck will neither intensify the existing nonconformance, nor shall it create new nonconformity as the right side yard setback of the deck is less nonconforming than the existing nonconforming right side yard setback.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct a 15.6 foot by 16.6 foot deck in accordance with the submitted plot plan and construction drawings.

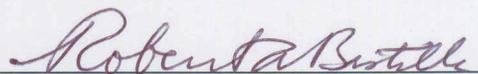
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

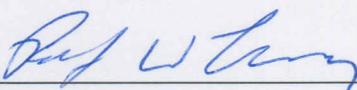
Cc: Planning Board
Inspector of Buildings
lrm



David G. Sheffield, Acting Chairman



Robert A. Bastille



Robert W. Levy

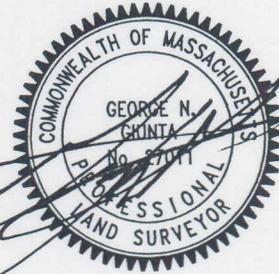
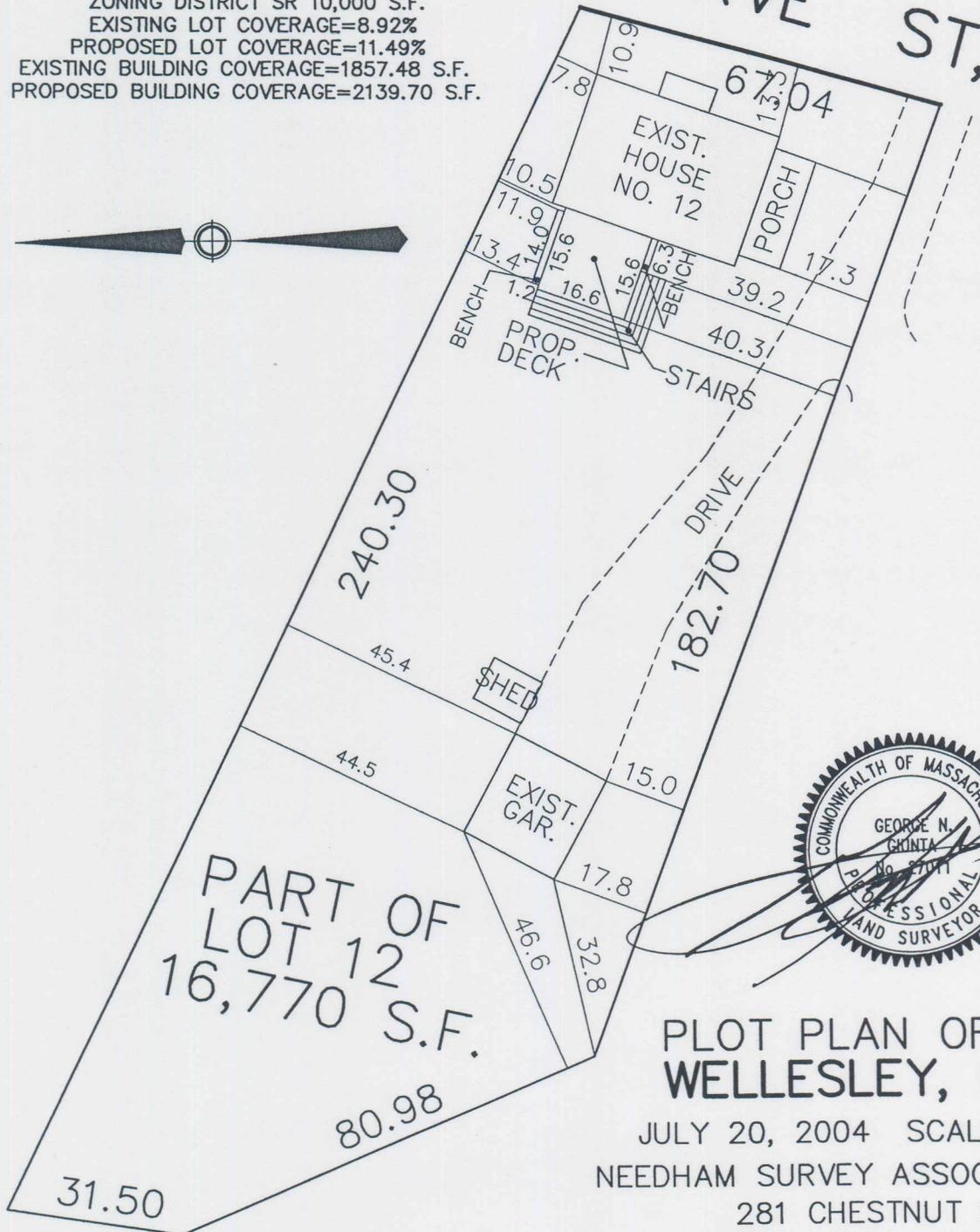
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CURVE ST,

ZONING DISTRICT SR 10,000 S.F.
EXISTING LOT COVERAGE=8.92%
PROPOSED LOT COVERAGE=11.49%
EXISTING BUILDING COVERAGE=1857.48 S.F.
PROPOSED BUILDING COVERAGE=2139.70 S.F.



PLOT PLAN OF LAND WELLESLEY, MASS.

JULY 20, 2004 SCALE 1"=30'
NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST.
NEEDHAM, MA. 02492
781-444-5936
OWNER: HAIG TELLALIAN