



## ZONING BOARD OF APPEALS

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

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ZBA 2004-73  
 Petition of Kevin & Michelle Durkin  
 51 Parker Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 14, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of KEVIN AND MICHELLE DURKIN, requesting a Special Permit and/or Variance pursuant to the provisions of Section XVII, Section XXIV-D, Section XIX and Section XXV of the Zoning Bylaw that construction of a two story 15 foot by 26.6 foot addition with less than required left side yard setback, at their nonconforming dwelling with less than required left side yard setback, at 51 PARKER ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 27, 2004, the petitioner 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 Kevin Durkin, who said that there is an existing nonconforming setback in the left side yard. The existing house is small and they want to add a kitchen and family room.

The Board noted that, on the plot plan, the proposed addition encroached .1 feet further into the left side yard setback. The Board could consider the petition as a Special Permit as .1 feet could be considered diminimus.

The Board said that offsetting the addition would be an improvement, pushing it in 4 inches on the left side would solve setback and architectural issues.

The Board said that the petitioner would be required to submit revised plot and construction plans showing that the proposed addition would not come closer to the side lot line than the existing nonconforming structure.

### Statement of Facts

The subject property is located at 51 Parker Road, in a 10,000 square foot Single Residence District, and has a minimum left side yard setback of 13.4 feet.

The petitioner is requesting a Special Permit/Finding that construction of a two story 15 foot by 26.6 foot addition with a minimum left side yard setback of 13.4 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 9/14/04, stamped by Joseph R. Sullivan, Registered Professional Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/15/04, prepared by David Holdorf, Architect, and photographs were submitted.

On October 6, 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 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 construction of a two story 15 foot by 26.6 foot addition with a minimum left side yard setback of 13.4 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 nonconformity as the left side yard setback shall remain the same.

Therefore, a Special Permit is granted, as voted unanimously by this Authority, for construction of a 15 foot by 26.6 foot addition, subject to the following conditions:

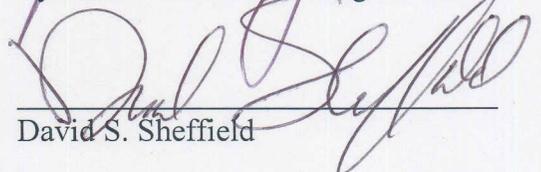
1. Submittal of a new Certified Plot Plan, showing that the proposed addition comes no closer to the left side yard lot line than the existing nonconforming structure.
2. Submittal of revised Existing and Proposed Floor Plans and Elevation Plans showing that the proposed addition comes no closer to the left side yard lot line than the existing nonconforming structure.

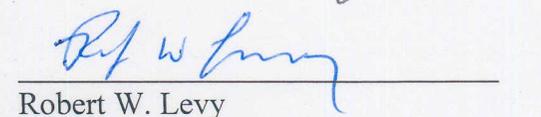
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

  
Cynthia S. Hibbard, Acting Chairman

  
David S. Sheffield

  
Robert W. Levy

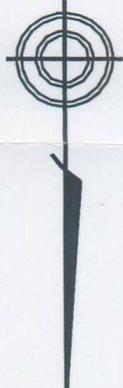
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**PARKER ROAD**

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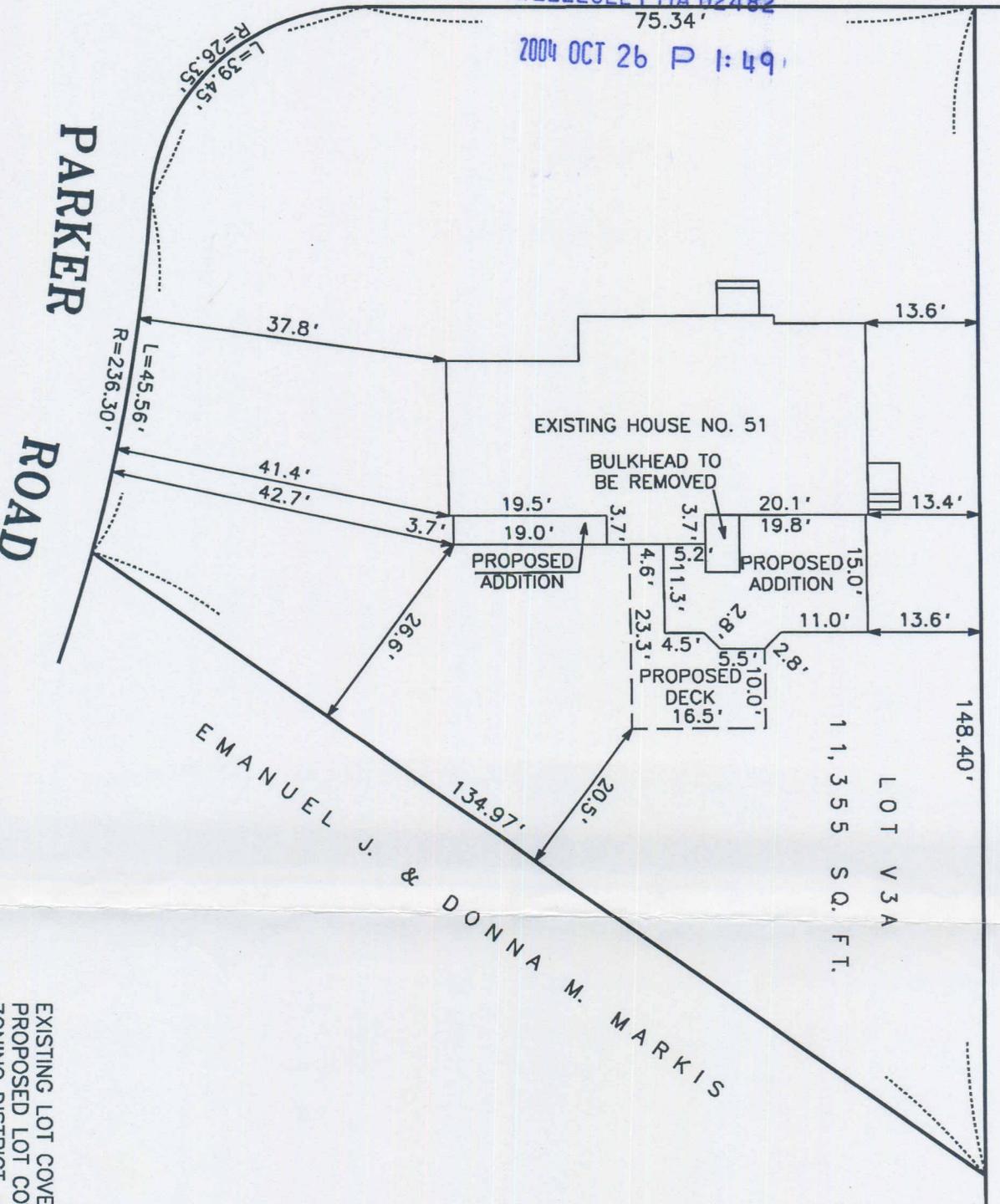
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MARY JANE & GERALD W. KELLEY



**PARKER ROAD**

EMANUEL J. & DONNA M. MARKIS



EXISTING LOT COVERAGE = 11.03%  
PROPOSED LOT COVERAGE = 17.02%  
ZONING DISTRICT = 10,000 SQ. FT.

**BOARD OF APPEALS  
PLAN OF LAND IN  
WELLESLEY, MASS.**

APPLICANT : KEVIN M. DURKIN & MICHELLE D. BARBARY

SCALE : 1" = 20' SEPTEMBER 14, 2004  
REVISED OCTOBER 25, 2004

JOSEPH R. SULLIVAN  
REG. PROF. SURVEYOR

**msae**

MaccARTHY & SULLIVAN  
ENGINEERING, INC.

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