

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-24

Petition of Tracy and Michael McQueen
11 Cunningham Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 10, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of TRACY AND MICHAEL MCQUEEN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that extension and construction of a second story addition over an existing nonconforming structure with less than required left side yard setback, in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 22, 2005, 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 Tracy and Michael McQueen. Also present was Paul Sperling of Home Projects, Inc. Ms. McQueen said that they are hoping to add more living space and bathrooms.

Ms. McQueen said that they have spoken with their neighbors and they are supportive of the plans.

The Board that there was nothing in the application showing existing and proposed lot coverage. The petitioners must submit a new plot plan with that information.

The Board said that the eastern edges of the existing structure and proposed addition are not parallel to the lot line. There is nothing in the plans that shows that setback is maintained at 12.5 feet.

The Board clarified the fact that there would be no foundation at the rear of the addition.

Statement of Facts

The subject property is located at 11 Cunningham Road, with a minimum left side yard setback of 12.5 feet, in a 10,000 square foot Single Residence District.

The petitioner is requesting a Special Permit/Finding that extension and construction of a second story addition over an existing 11 foot by 20 foot nonconforming structure with a minimum left side yard setback of 12.5 feet, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/14/05, stamped by Peter G. Hoyt, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/19/04, drawn by Home Projects, Inc. were submitted.

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On February 28, 2005 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, although extension and construction of a second story addition over an existing 11 foot by 20 foot nonconforming structure with a minimum left side yard setback of 12.5 feet, in a 10,000 square foot Single Residence District is increasing the nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for extension and construction of a second story addition over an existing 11 foot by 20 foot nonconforming structure, subject to the following condition:

1. A revised plot plan is submitted, showing existing and proposed lot coverage and that the structure comes no closer than 12.5 feet, on a line running parallel with the left side property line.

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.

Richard L. Seegel, Chairman

David G. Sheffield

Randy Becker

cc: Planning Board
Inspector of Buildings
lrm