

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2006-27

Petition of Michael J. Cameron
38A Donizetti Street

Petition of MICHAEL CAMERON requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 12 foot by 7.5 foot deck with less than required left side yard setback, on an 8,085 square foot lot in a district in which the minimum lot size is 10,000, at 38A DONIZETTI STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 22, 2006, 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 Michael Cameron, who said that he lives at 38A Donizetti Street. He said that he is proposing to build a 12 foot by 7.5 foot deck. He said that the existing structure was built in 1935 with a 12.9 foot setback. He said that he would like to build the deck with a 14.48 foot left side yard setback and that all other Zoning setbacks will be met.

The Board asked if Mr. Cameron owns #38 Donizetti Street as well. Mr. Cameron said that his brother owns #38 Donizetti Street.

The Board said that the property backs up to the ball fields. Mr. Cameron said that there is a wooded area at the immediate back.

The Board said that Mr. Cameron would have to come before the Board for a Special Permit for any enclosure of the deck.

Statement of Facts

The subject property is located at 38A Donizetti Street, on a 8,085 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 12.9 feet, and a minimum frontage of 12 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 12 foot by 7.5 foot deck with less than required left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/10/06, stamped by Paul J. DeSimone, Professional Land Surveyor, Proposed Framing and Deck Plan dated 3/10/06, and photographs were submitted.

ZBA 2006-27
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On March 30, 2006, 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 construction of a 12 foot by 7.5 foot deck with less than required side setback is increasing a 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 construction of a 12 foot by 7.5 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.

ZBA 2006-27
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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

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

