

**ZONING BOARD OF APPEALS**

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

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ZBA 2010-26
Petition of Jean Walsh
64 Oak Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 1, 2010, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JEAN WALSH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 387 square foot one-story front addition, construction of a 36 square foot front porch, construction of 110 square foot one-story rear addition, and construction of a 192 square foot rear deck that will meet all setback requirements on an existing nonconforming structure with less than required left and right side yard setbacks, in a 10,000 square foot Single Residence District, at 64 OAK STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 15, 2010 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 John Churchill, who said that he was representing Jean Walsh (the "Petitioner").

Mr. Churchill said that there is an existing single story dwelling with an attached garage. He said that the existing lot coverage is 1,355 square feet, or 9.8 percent. He said that the lot size is 13,862.9 square feet. He said that setback for the existing structure is 14.6 feet on the south side and 19.4 feet on the north side.

Mr. Churchill said that Ms. Walsh proposes to construct a 387 square foot single story addition off of the front, a 110 square foot addition at the rear, a 192 square foot deck, and a 36 square foot porch.

Mr. Churchill said that the proposed lot coverage will be 2,055 square feet, or 14.8 percent.

Mr. Churchill said that the proposed construction will not intensify the existing nonconformity. He said that the proposed construction will meet setback requirements.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 64 Oak Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 14.6 feet and a minimum right side yard setback of 19.4 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 387 square foot one-story front addition, construction of a 36 square foot front porch, construction of 110 square foot one-story rear addition, and construction of a 192 square foot rear deck that will meet all setback requirements on an existing nonconforming structure with less than required left and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/10/10, stamped by John L. Churchill, Jr., Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/10/10, prepared by Lineal Inc. Architects, and photographs were submitted.

On March 30, 2010, the Planning Board reviewed the petition and recommended that the request be approved.

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 387 square foot one-story front addition, construction of a 36 square foot front porch, construction of 110 square foot one-story rear addition, and construction of a 192 square foot rear deck that will meet all setback requirements on an existing nonconforming structure with less than required left and right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for construction of a 387 square foot one-story front addition, construction of a 36 square foot front porch, construction of 110 square foot one-story rear addition, and construction of a 192 square foot rear 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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm