TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2012-46
Petition of Michael Russell & Liana Kish
51 Clovelly Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 7, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MICHAEL RUSSELL & LIANA KISH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 8.5 foot by 10.75 foot one-story addition and construction of a 5.5 foot by 9 foot deck with less than required right side yard setbacks, on an existing nonconforming 8,100 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, with less than required front yard and side yard setbacks, at 51 CLOVELLY ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 22, 2012, 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 were Michael Russell and Liana Kish (the "Petitioner").

Mr. Russell said that the request is for a Special Permit/Finding. He said that the lot is nonconforming because it is undersized. He said that the existing structure has nonconforming front and side yard setbacks.

Mr. Russell said that they are looking to make three relatively moderate changes. He said that they would like to reconfigure the deck, replace the bulkhead with a small mudroom, and reposition the bulkhead next to the basement. He said that they believe that the changes will not be more detrimental to the neighborhood.

Mr. Russell said that they spoke with the abutters. He said that he had a letter from one of the neighbors.

The Board said that the neighbors cannot see into the back yard.

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 51 Clovelly Road, on an 8,100 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 25.8 feet and a minimum side yard setback of 7.1 feet.

The Petitioner is requesting a Special Permit/Finding that construction of an 8.5 foot by 10.75 foot one-story addition and construction of a 5.5 foot by 9 foot deck with less than required right side yard setbacks, on an existing nonconforming 8,100 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, with less than required front yard and side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/11/12, stamped by Robert F. Drake, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 12/9/10, Proposed Floor Plans and Elevation Drawings, dated 4/9/12, prepared by Amy Nastasi, Architect, and photographs were submitted.

On June 5, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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 an 8.5 foot by 10.75 foot one-story addition and construction of a 5.5 foot by 9 foot deck with less than required right side yard setbacks, on an existing nonconforming 8,100 square foot corner lot in a district in which the minimum lot size is 10,000 square, with less than required front yard and side yard setbacks feet 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 an 8.5 foot by 10.75 foot one-story addition and construction of a 5.5 foot by 9 foot deck with less than required right side yard setbacks, 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.

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51 Clovelly Road

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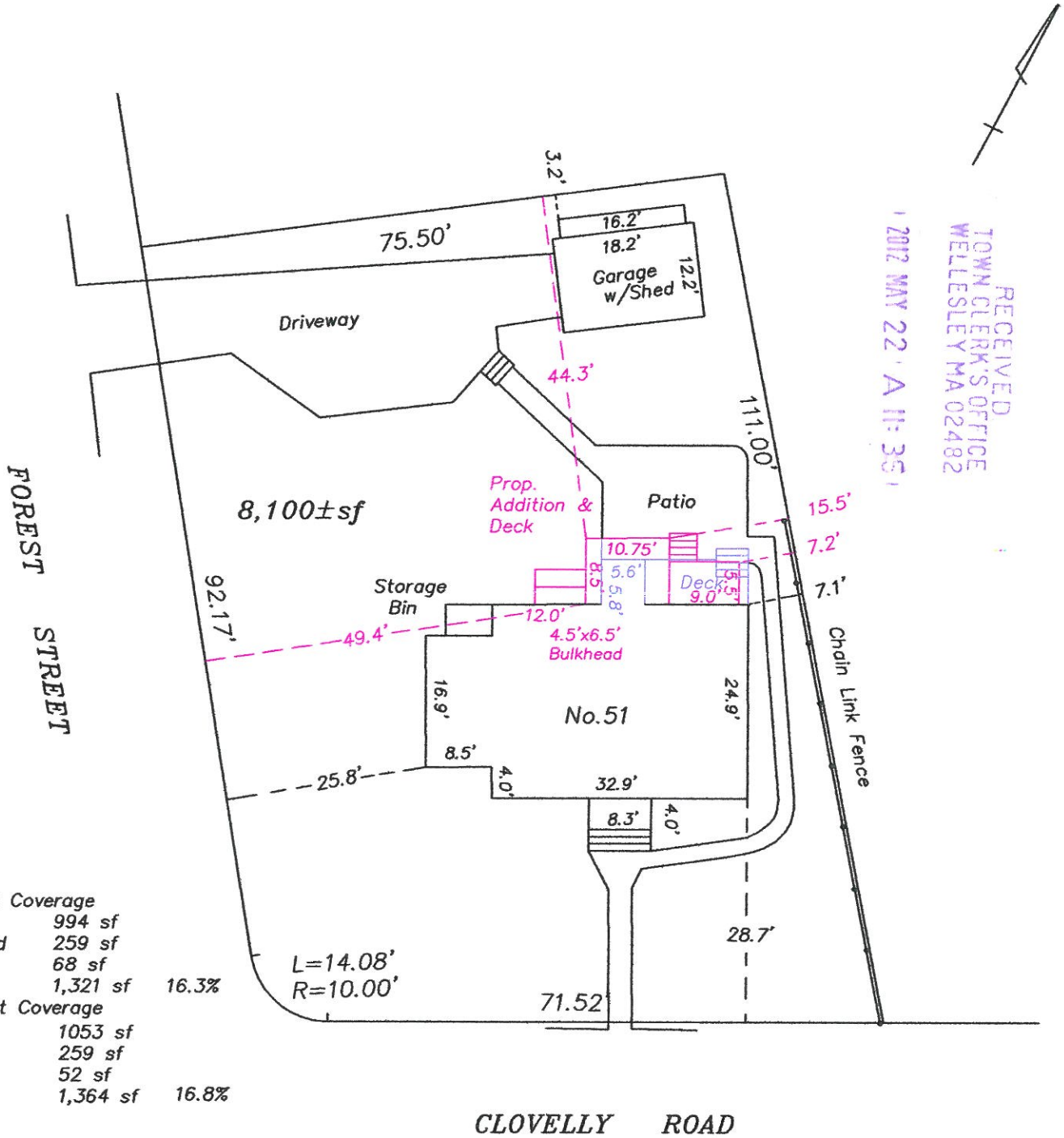
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm



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Existing Lot Coverage		
Hse	994 sf	
Gar. & Shed	259 sf	
Deck	68 sf	
Total	1,321 sf	16.3%
Proposed lot Coverage		
Hse.	1053 sf	
Gar.& Shed	259 sf	
Deck	52 sf	
Total	1,364 sf	16.8%

Offsets are to Cornerboards Deed Ref: Bk 12858 Pg 176 Single Residence 10,000sf Ass Map 76 Lot 30

I HEREBY CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME AS SHOWN HEREON.

SIGNED: _____

COMMONWEALTH OF MASSACHUSETTS ROBERT F. DRAKE No. 29321 REGISTERED PROFESSIONAL LAND SURVEYOR

Robert F. Drake

CERTIFIED PLOT PLAN
No.51 Clovelly Road
WELLESLEY MASS.

Michael Russell & Liana Kish

SCALE 1"=20' MAY 11, 2012

Drake Associates Inc.
Civil Engineers Land Surveyors
175 Millwood Street Framingham Mass.
508 877-0848
FAX 781 416-1865