



## ZONING BOARD OF APPEALS

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

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EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208  
web: [www.wellesleyma.gov](http://www.wellesleyma.gov)

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ZBA 2013-74  
Petition of Michael Whelan  
21 Earle Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 7, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MICHAEL WHELAN requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required side yard setbacks, on a corner lot in a Water Supply Protection District, in a 10,000 square foot Single Residence District, at 21 EARLE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 25, 2013, 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 Michael Whelan, (the "Petitioner").

Mr. Whelan said that he was previously before the Board with a different set of plans. He said that the revised plans reflect some of the recommendations of the Board with respect to preserving the house frontage and changing the roofline to accommodate a second story. He said that the proposed changes will not be substantially more detrimental to the neighborhood.

The Board said that the revised plans addressed the Board's previous concerns.

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 21 Earle Road, on a corner lot in a Water Supply Protection District, in a 10,000 square foot Single Residence District, with a minimum side yard setback of 15.3 feet and a minimum front yard setback of 26.8 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

2013 NOV 21 P 3:00  
 TOWN'S OFFICE  
 WELLESLEY MA 02482

A Plot Plan, dated 4/29/13, revised 8/20/13, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/16/13, prepared by Kamer Minassian, Architect, and photographs were submitted.

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 opinion of this Authority that although construction of a two-story addition with less than required side yard setbacks 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 two-story addition with less than required 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 constructions 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.

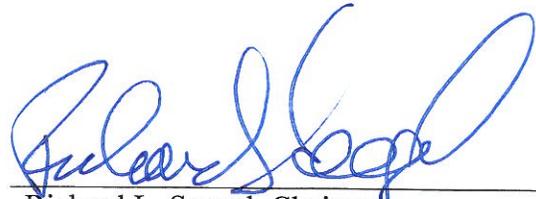
2013 NOV 21 P 3:00  
INSPECTOR OF BUILDINGS OFFICE  
MIDDLESEX COUNTY MA 02482

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21 Earle Road

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2013 NOV 21 P 3:00  
TOWN CLERK'S OFFICE  
MILLISLEY MA 02482

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



J. Randolph Becker



Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

AREA: 11616 Sq. Feet +/- CALC

PROP LOT COVER: (1892/11616)100=16.3 %  
EXIST LOT COVER: (1922/11616)100=16.5 %

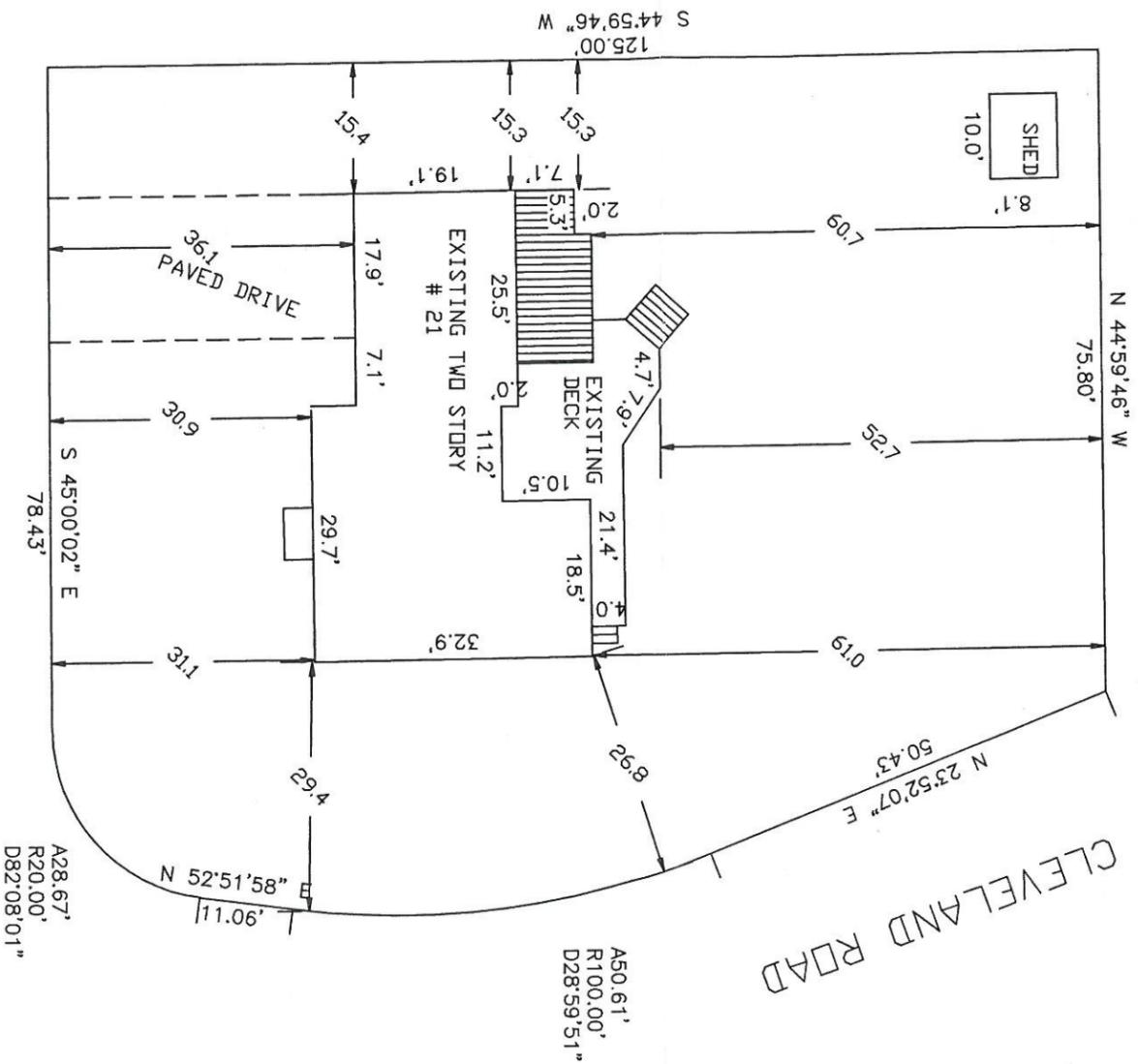
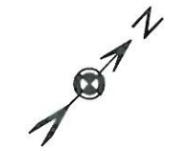
ASSESSORS REF: MAP 158 PARCEL 21  
BUILDING ZONE SR10, SINGLE FAMILY RES.  
OWNER: MICHAEL H. WHELAN



PROPOSED ADDITION

SPECIAL PERMIT  
PLAN OF PROPOSED ADDITION  
21 EARLE ROAD  
WELLESLEY, MA

SCALE: 1 IN = 20 FT  
APRIL 29, 2013  
AUG 20, 2013



EARLE ROAD

CLEVELAND ROAD

2013 SEP 25 A 11: 271  
WELLESLEY MA 02482  
FRANK IEBBA'S OFFICE



ESSEX ENG. & SURVEY  
PO BOX 620622 NEWTON LOWER FALLS  
MA 02462-0622

617-797-7342  
617-663-6307  
FRANKIEBBA@GMAIL.COM