



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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ZBA 93-18
Petition of James R. and Marlene V. Allen
29 Rice Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 25, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of JAMES R. AND MARLENE V. ALLEN requesting a Special Permit pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of the following additions to their pre-existing nonconforming dwelling with less than the required left and front yard setbacks at 29 RICE STREET, in a Single Residence District, shall not intensify the existing nonconformities or create additional ones:

1. Demolition of an existing deck and construction of a two-story addition with a ground floor footprint approximately 22 feet by 22 feet and a second story approximately 22 feet by 18 feet.
2. Construction of a one-story screened porch approximately 22 feet by 8 feet.
3. Construction of a deck approximately 12 feet by 22 feet.

All of the proposed construction will comply with all zoning requirements.

On February 8, 1993, the petitioners requested 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 James and Marlene Allen. Mrs. Allen said that they were attempting to give themselves more living space in a conforming manner. She submitted a letter of support from their left side abutters, Mr. and Mrs. William Bigwood.

No other person present had any comment on the petition.

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Statement of Facts

The subject nonconforming dwelling is located at 29 Rice Street, in a Single Residence District, on a 16,417 square foot lot, and has a minimum left side yard clearance of 16 feet and a minimum front setback of 13.9 feet.

The petitioners are requesting a Special Permit for the following:

1. Demolition of an existing deck and construction of a two-story addition with a ground floor footprint of 22 feet by 22 feet and a second story approximately 22 feet by 18 feet. Said addition will have a conforming right side setback of 32.3 feet and a conforming left side setback of 22.2 feet.
2. Construction of a one-story screened porch approximately 22 feet by 8 feet. Said porch will have a conforming right side yard setback of 32.1 feet and a conforming left side yard setback of 22 feet.
3. Construction of a deck approximately 22 feet by 12 feet which will have a conforming right side yard setback of 32.1 feet and a conforming left side yard setback of 22 feet.

A Plot Plan dated February 2, 1993 drawn by John J. McDonnell, Professional Land Surveyor; floor plans and elevations dated February 1, 1993, drawn by Blake Allison Architects; and photographs were submitted.

On February 17, 1993, the Planning Board reviewed the petition and voted to offer no objection to the granting of the Special Permit.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that as the proposed two-story addition, screened porch and deck comply with all current zoning requirements, the proposed additions will not intensify the existing nonconformities or create additional ones.

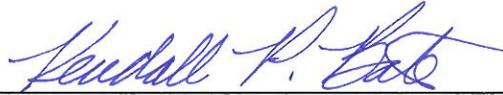
Therefore, a Special Permit is hereby granted for the proposed additions subject to construction in accordance with the Plot Plan and construction sketches submitted as noted in the foregoing Statement of Facts.

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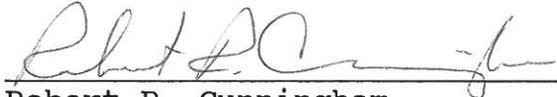
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and detailed construction plans.

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.

cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman



Robert R. Cunningham



William E. Polletta

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