



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-25  
Petition of Paul A. LaViolette  
73 Woodlawn Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 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 PAUL A. LAVIOLETTE requesting a Special Permit/Special Permit Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to his pre-existing nonconforming dwelling, with less than the required rear yard setback, at 73 WOODLAWN AVENUE, in a Single Residence District, shall not intensify the existing nonconformity or create additional ones:

1. Demolition and reconstruction on the existing foundation of a one-story living room alcove approximately 10 feet 1 inch by 6 feet at the front of the nonconforming dwelling.
2. Construction of a one-story dining room alcove extension approximately 8 feet by 3 feet 10 inches on the right side of the nonconforming dwelling.
3. Construction of a detached two-car garage approximately 28 feet by 24 feet.

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

A Special Permit Finding is also requested for the proposed demolition of an existing one-story family room and construction of a three-story addition, at a height of approximately 36.5 feet, with less than the required rear setback will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

The first floor of the addition will be approximately 31 feet 4 inches by 16 feet 2 inches, with an attached roofed open porch approximately 14 feet by 6.5 feet. The second floor will consist of an addition approximately 14 feet by 14 feet with two railed roof decks approximately 16 feet by 8 feet and 6 feet by 8 feet with the remainder of the square footage to be open space. The third floor tower room will be approximately 14 feet by 14 feet.

On March 8, 1993, the petitioner requested a hearing before this Authority and thereafter, due notice of the hearing was given by mailing and publication.

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Presenting the case at the hearing was Paul LaViolette, who was accompanied by his architect, Marjorie Marks. Mrs. Marks said that the original plan was to add on to the rear of the house, but the preferred plan was to demolish the existing family room and construct the proposed addition. The addition will not come any closer to the rear lot line than the existing house and, in fact, has been set back several inches more than the existing house. The house is very old, and the construction will be in line with its architectural style.

Mr. LaViolette said that the house was built in 1873 and has a one-car garage under the basement. The garage is very small, and the proposed two-car garage would be preferable.

He said that the house was originally constructed on a much larger parcel. The nonconforming setback was created when the owner built a home for her daughter at the rear of the original house, and subdivided the land.

No other person present had any comment on the petition.

#### Statement of Facts

The pre-existing nonconforming dwelling is located at 74 Woodlawn Avenue, in a Single Residence District, on a 32,438 square foot lot, and has a minimum rear yard clearance of 9.66 feet.

The petitioner is requesting a Special Permit for the following:

1. Demolition and reconstruction of a 10 foot 1 inch by 6 foot living room alcove with a conforming front setback of 113 feet and a conforming left side yard of more than 80 feet.
2. Construction of an 8 foot by 3 foot 10 inch alcove on the right side of the dwelling with a conforming rear setback of 29.60 feet.
3. Construction of a detached 24 foot by 24 foot garage with a conforming rear setback of 20.5 feet; a conforming front setback from Squirrel Road of 31.43 feet and a conforming right side setback of 20.5 feet.

A Special Permit Finding is also requested for the demolition of an existing family room with a minimum rear yard setback of 9.66 feet and construction of a three-story addition 31 feet 4 inches by 16 feet 2 inches at a height of 36.5 feet, with a minimum rear yard setback of 9.74 from the right rear corner and 9.76 from the left rear corner. An attached roofed open porch approximately 14 feet by 6.5 feet on the left side of the dwelling is also proposed. Said porch will have a minimum rear yard setback of 12.85 feet.

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A Plot Plan dated March 1, 1993, drawn by David W. Preston, Registered Professional Land Surveyor; floor plans and elevations dated February 2, 1993, drawn by Marjorie Marks; and photographs were submitted.

A letter of support signed by William Maynard, 53 Woodlawn Avenue; Hildegard Stover, 69 Woodlawn Avenue; and Leslie Smith, 8 Squirrel Road was also submitted.

On March 15, 1993, the Planning Board reviewed the petition and voted to offer no objection to the granting of the requested Special Permits or Special Permit Finding.

#### 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 alcoves and detached garage comply with all zoning requirements, they will not intensify the existing nonconformity or create additional ones.

Therefore, a Special Permit is hereby granted for construction of said alcoves and garage subject to construction in accordance with the submitted Plot Plan and construction drawings.

This Authority is of the opinion that the proposed 3 story addition and the open roofed porch will intensify the existing nonconformity as the proposed footprint of both structures will occupy additional space in the nonconforming portion of the rear yard. However, neither structure will create an additional nonconformity as both structures have a greater setback from the rear lot line than the existing nonconforming dwelling.

This Authority finds that as said addition and porch are less nonconforming than the existing dwelling, and as the construction will have minimal impact on the adjacent home, which is about 70 feet from the subject dwelling, the proposed construction will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

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.

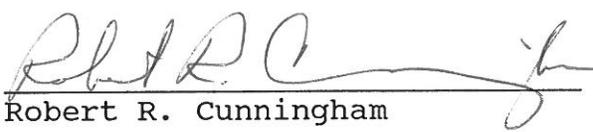
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert R. Cunningham

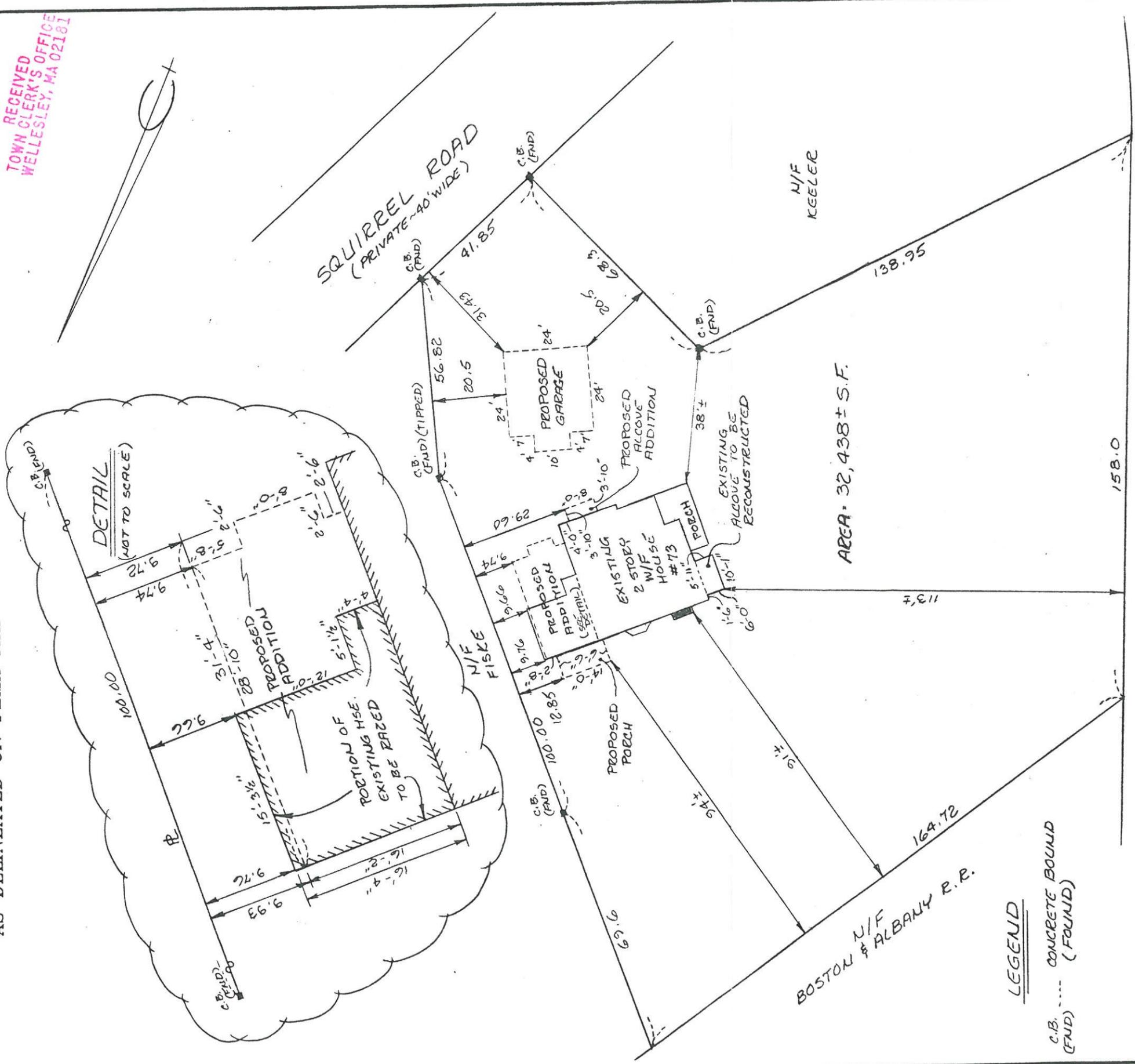
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THIS PLAN IS NOT FOR RECORDING PURPOSES  
 OFFSETS ARE NOT TO BE USED FOR THE REPRODUCTION OF PROPERTY LINES  
 SPECIAL FLOOD HAZARD AREA (FHA) IS NOT APPLICABLE

111-4  
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AS DELINEATED ON FEMA MAP CP 250255 0005B DATED SEPTEMBER 9, 1979.

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LEGEND

C.B. .... CONCRETE BOUND  
 (FND) ..... (FOUND)

"I CERTIFY THAT THE EXISTING HOUSE IS  
 LOCATED ON THE LOT AS SHOWN."



*David W. Preston*  
 P.L.S. DATE 3-1-93

PLOT PLAN OF LAND  
 IN  
 WELLESLEY, MASS.

SCALE: 1" = 30' FEET DATE: MARCH 1, 1993

THE JILLSON CO., INC.

P.O. Box 2135  
 FRAMINGHAM, MA 01701  
 (508) 877-9684 (508) 877-9016

WOODLAWN (PUBLIC ~40' WIDE) AVENUE

AREA: 32,438 ± S.F.