TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

APR 16 1 39 PM '93

JOHN A. DONOVAN, JR., Chairman
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ZBA 93-26
Petition of Michael P. and Luisa O'Toole
10 Thomas Road

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 MICHAEL P. AND LUISA O'TOOLE requesting a Special Permit pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their pre-existing nonconforming dwelling, with less than the required right side and front yard setbacks at 10 THOMAS ROAD, in a Single Residence District, shall not intensify the existing nonconformities or create additional ones:

1. A two-story addition approximately 18 feet by 14.5 feet on the left side of the nonconforming dwelling.

2. A one and one-half story attached garage approximately 18 feet by 24 feet.

3. A deck approximately 12 feet by 26 feet at the rear of the proposed addition.

4. A roofed landing approximately 9 feet by 5 feet on the front of the proposed addition.
All of the proposed construction projects comply with all zoning requirements.

On March 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 was Michael O'Toole, who said that the house had been built in 1927. The existing garage will be removed to allow for the new construction, but the existing front entrance will be retained.

No other person present had any comment on the petition.

Statement of Facts

The pre-existing nonconforming dwelling is located at 10 Thomas Road, in a Single Residence District, on a 9,931 square foot lot, with a minimum front yard clearance of 15.4 feet and a minimum right side

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yard clearance of 10.7 feet.

The petitioners are requesting a Special Permit for construction of the following:

1. A two-story addition 18 feet by 14.5 feet with a conforming front yard setback of 37.5 feet, a conforming left side setback of 44.1 feet and an conforming right side setback of more than 20 feet.

2. A one and one-half story attached garage 24 feet by 18 feet with a conforming front setback of 42.7 feet, a conforming left side setback of 26.1 feet and a conforming rear setback of 32.6 feet.

3. A deck 12 feet by 26 feet with a conforming left side setback of 44.3 feet, a conforming rear yard setback of 30.1 feet and a conforming right side setback of more than 20 feet.

4. A roofed landing 9 feet by 5 feet with a conforming front setback of 32.5 feet.

A Plot Plan dated March 2, 1993, drawn by Joseph Marcklinger, Registered Land Surveyor; Front and Left Elevation (A2) dated 11/25/92; Right and Rear Elevation (A-3) dated 11/30/92; and Floor Plans (A-4) dated 11/17/92 drawn by J. Hardy LeGwin & Associates; and photographs were submitted.

On March 15, 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, garage, deck and front landing comply with all zoning requirements, the proposed construction will not intensify the existing nonconformities or result in additional ones.

Therefore, a Special Permit is hereby granted for the aforementioned additions subject to construction in accordance with the submitted Plot Plan and construction drawings noted above.

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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Petition of Michael P. and Luisa O'Toole
74 Woodlawn Avenue

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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PLAN OF LAND
IN
WELLESLY, MASS.

To accompany Petition of Michael P. & Luisa O'Toole

Scale: 1 Inch = 20 Feet March 2, 1993

Everett M. Brooks Company
49 Lexington Street
West Newton, MA 02165
(617) 527-8750

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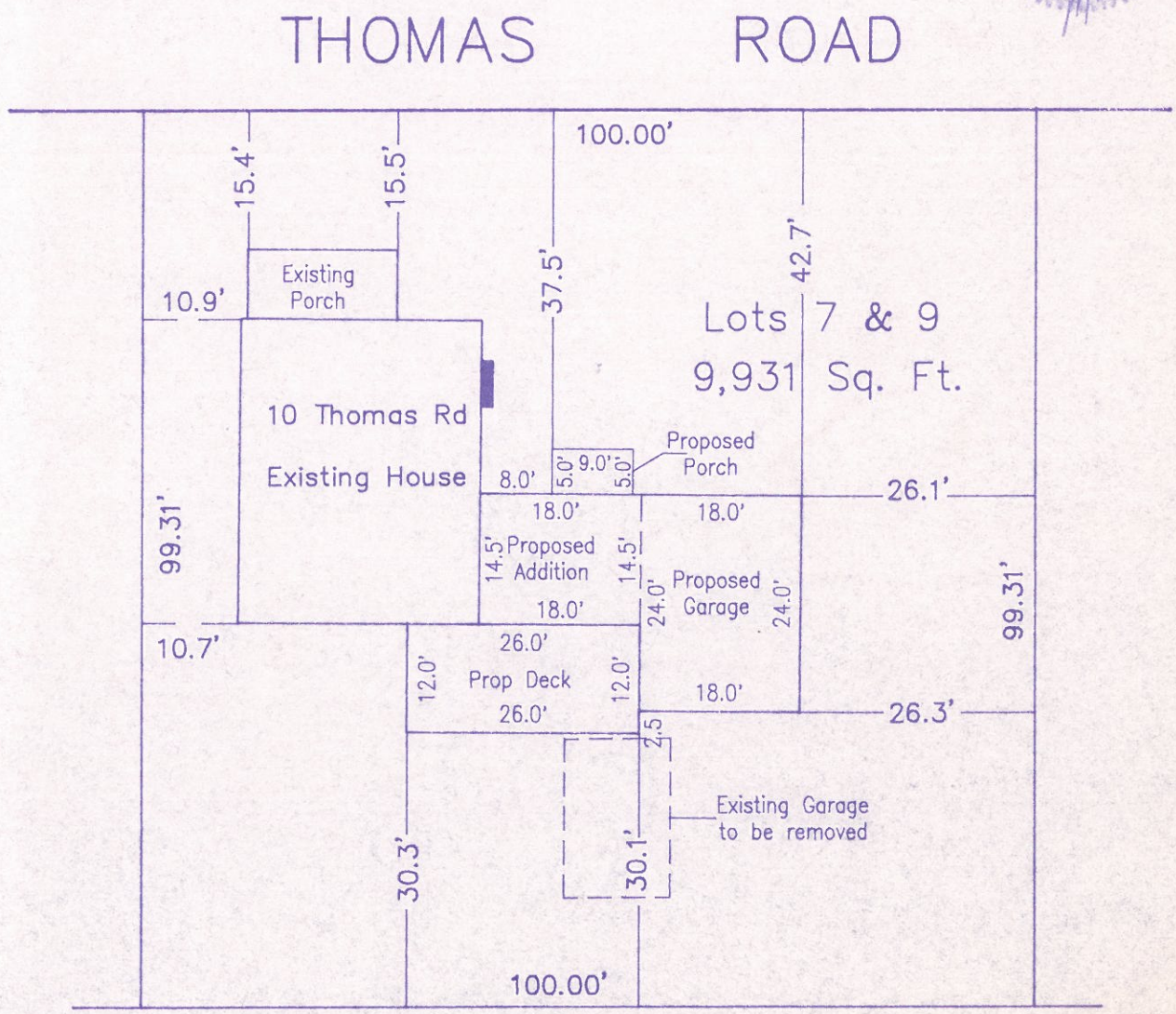
Proposed Lot Coverage = 21.1%



Project No. 17449