TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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KENDALL P. BATES

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ZBA 95-36
Petition of Larry and Christine Carsman
10 Colby Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 25, 1995 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 LARRY AND CHRISTINE CARSMAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their nonconforming dwelling with less than the required front setback from WOODSIDE AVENUE, at 10 COLBY ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A one-story addition approximately 26.5 feet by 19.8 feet, which will connect their nonconforming dwelling with their nonconforming detached garage which has less than the required right side yard setback. Said infill addition would have less than the required front setback from WOODSIDE AVENUE.

2. Demolition of an existing porch and construction of a deck approximately 18 feet by 6 feet, which would have less than the required front setback from WOODSIDE AVENUE.

On May 8, 1995, 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 Christine Carsman, who was accompanied by her builder, Ray Wiese.

The Board asked if Woodside Avenue was a private way, as it has not been built. Mr. Wiese said that there is a trail there. Mrs. Carsman stated that the house is on Colby Road, and Woodside Avenue, which is not built, is at the rear of the property. A bike path runs off the dead end of Woodside Avenue.

Thad Jackson, 106 Colby Road; Robert Bastille, 116 Mayo Road; Marie McInerney, 14 Colby Road and David Chidakel, 6 Colby Road, all voiced support for the petition.

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Statement of Facts

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The subject property is located at 10 Colby Road, in a Single Residence District, on a 15,720 square foot lot, and abuts Woodside Avenue, an unbuilt street, across its entire rear boundary. The property contains a nonconforming dwelling, which has a minimum front yard setback of 14.56 feet from Woodside Avenue and a detached nonconforming garage, which has a minimum right side yard clearance of 11 feet.

The petitioners are requesting a Finding that the construction of an infill addition approximately 19.8 feet by 26.5 feet, which would have a minimum front setback of 23.72 feet from Woodside Avenue; and the demolition of an existing porch and construction of a 6 foot by 18 foot deck, which would have a minimum front setback of 16.09 feet from Woodside Avenue, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated April 13, 1995, drawn by John J. Regan, Registered Professional Land Surveyor; Floor plans and Elevations; and photographs were submitted.

On May 16, 1995, the Planning Board reviewed the petition and voted to offer no objection to the request.

Decision

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

This Authority finds that both the proposed infill addition and the deck will neither increase the existing nonconformity nor will they create new nonconformities, as neither the deck nor the addition encroach as far as the existing house on the Woodside Avenue property line. Furthermore, the proposed construction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as evidenced by the support of the abutting neighbors at the Public Hearing.

Therefore, a Special Permit is hereby granted for the construction of the proposed infill addition, demolition of the existing porch and construction of the deck, subject to construction in accordance with the submitted Plot Plan and construction drawings.

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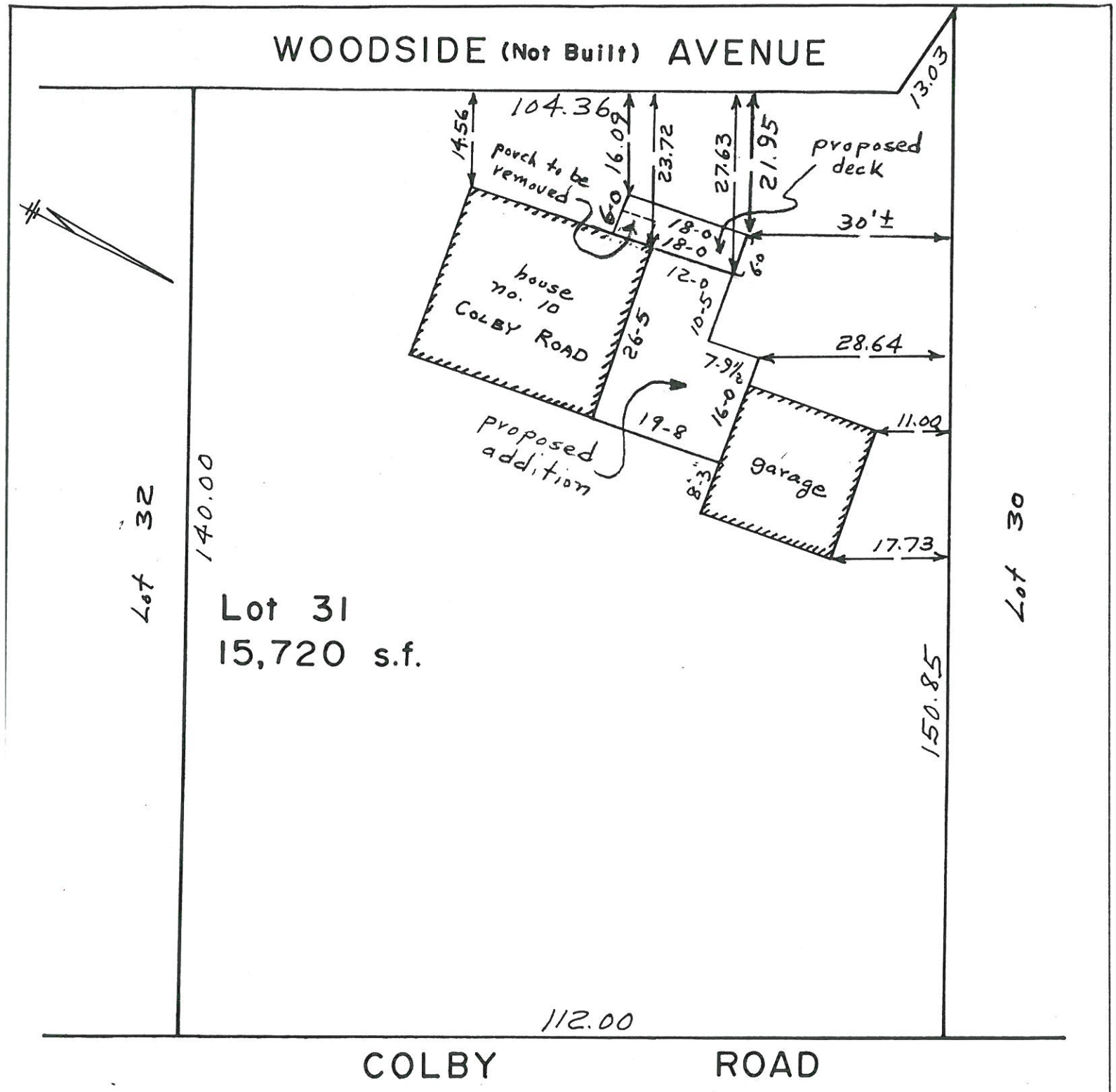
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17 AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert R. Cunningham

cc: Planning Board
Inspector of Buildings
edg



PLAN OF LAND IN WELLESLEY, MASS.

TO ACCOMPANY THE PETITION OF
LARRY R. & CHRISTINE C. CARSMAN
10 COLBY ROAD, WELLESLEY

Note:
Lot coverage will be 1715±s.f.
or 10.9 %.

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SCALE 1 IN = 20 FT
APRIL 13, 1995
JOHN J. REGAN
LAND SURVEYOR
NEWTON HIGHLANDS
MASS.

COMMONWEALTH OF MASSACHUSETTS
JOHN J. REGAN
No. 7891
REGISTERED PROFESSIONAL LAND SURVEYOR

John J. Regan

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