



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 92-51
Petition of Marilyn R. Sherry
21 Russell Road

Pursuant to due notice the Special Permit Granting Authority held a Public Hearing on Thursday, November 19, 1992 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARILYN R. SHERRY requesting a Special Permit/Special Permit Finding that the proposed additions to her pre-existing nonconforming dwelling at 21 RUSSELL ROAD, with less than the required left side yard, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. Said additions shall consist of:

1. A one-story addition approximately 19.5 feet by 14 feet 9.5 inches with a deck approximately 14 feet 9.5 inches by 4 feet at the rear of the dwelling. Said addition and deck conform to all required zoning setbacks.
2. A deck approximately 17 feet by 7 feet 9 inches, with less than the required left side setback at the rear of the dwelling.

On November 2, 1992, the petitioner 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 Marilyn Sherry, who was accompanied by her architect, Paul Lukez. Mr. Lukez said that one addition and deck conform to all setbacks. The house is about 3 feet from the left side line at one point. About 5 feet of the second deck will be nonconforming as to the left side setback. Given that the part of the existing house which is nonconforming shields the deck, it will not be visible to the neighbors.

Ms. Sherry said that the house was built in 1850 in the present nonconforming location. Twelve years ago she received approval to construct an addition, which was never built, in the same place the proposed deck will be. The deck will be smaller than the approved addition.

No other person present had any comment on the petition.

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21 Russell Road

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Statement of Facts

The nonconforming dwelling is located at 21 Russell Road on a 19,568 square foot lot, in a Single Residence District. The dwelling has a minimum left side yard clearance of 2.52 feet and a minimum front yard clearance of 19.94 from the right corner.

The petitioner is requesting a Special Permit/Special Permit Finding to construct a one-story addition approximately 19.5 feet by 14 feet 9.5 inches with a deck approximately 14 feet 9.5 inches by 4 feet at the rear of the dwelling. Said addition and deck conform to all required zoning setbacks as they will be 25 feet from the left side lot line and more than 30 feet from the right side line. A deck approximately 17 feet by 7 feet 9 inches, at the rear of the dwelling, which will have a minimum left side yard clearance of 15 feet is also requested.

A Plot Plan dated September 9, 1992, drawn by John J. Regan, Registered Land Surveyor; proposed construction drawings and elevations dated September 9, 1992, drawn by Paul Lukez, Registered Architect; and photographs were submitted.

On November 17, 1992, the Planning Board reviewed the petition and voted to recommend approval of the request.

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 present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that as the proposed one-story addition and deck conform to all required zoning setbacks, these additions would not intensify the existing nonconformities or result in additional ones. Therefore, a Special Permit is hereby granted for the construction of the one-story addition and deck as detailed in the foregoing Statement of Facts.

It is the opinion of this Authority that the second deck approximately 17 feet by 7 feet 9 inches, with a minimum left side yard clearance of 15 feet, results in an additional nonconformity as it will encroach 5 feet on the left side yard in a previously unoccupied space.

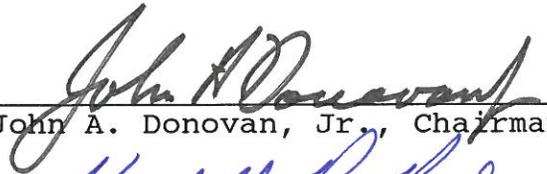
It is the opinion of this Authority that as the proposed nonconforming deck is substantially less nonconforming than the existing nonconforming dwelling, and as the proposed deck will not be visible to the abutters, this Authority finds that said deck will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

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The Inspector of Building is hereby authorized to issue a permit for the construction of the one-story addition and the two decks upon his receipt and approval of a building application and detailed construction plans subject to construction in accordance with the plot plan as submitted.

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

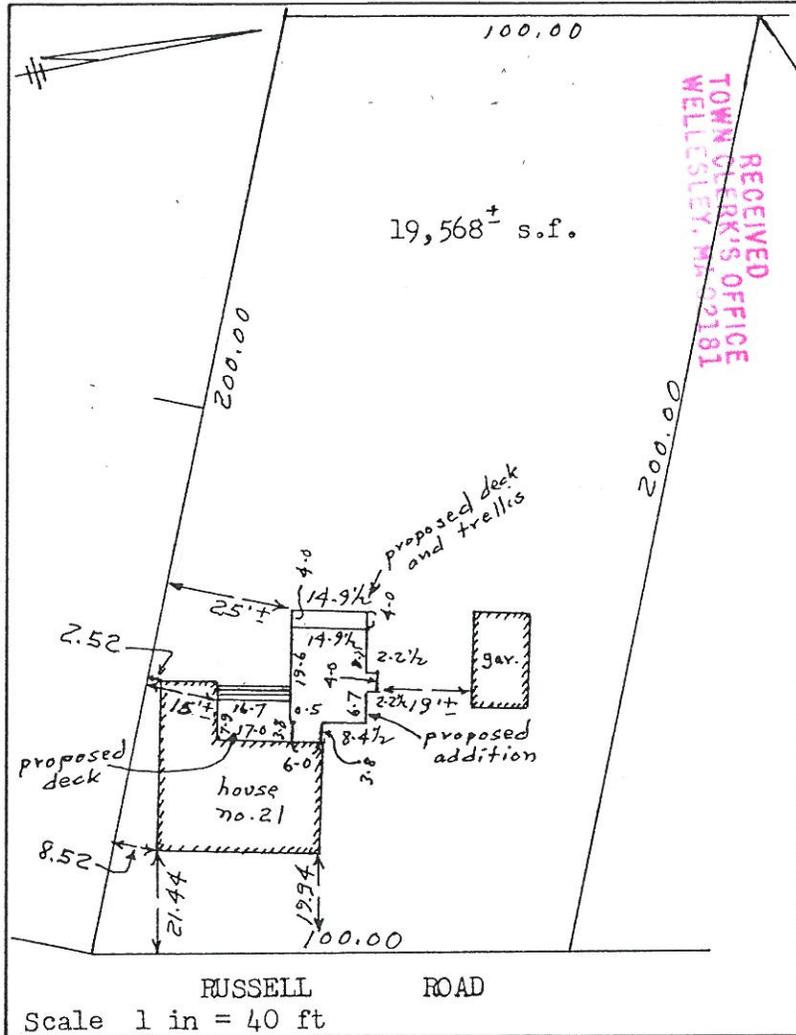


Robert R. Cunningham

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PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN



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WELLESLEY, MASS 02181

Nov 2 1 22 PM '92

Note:
Lot coverage will be 1690± s.f. or 8.6%.

September 9, 1992

John J. Regan

Date

Reg Land Surveyor #7931

John J. Regan
P. O. Box 416, Newton, 02161

Address

