



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-48

Petition of Samuel A. and Maria D. Wardwell

40 Laurel Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 17, 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 SAMUEL A. AND MARIA D. WARDWELL requesting a Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing enclosed porch and construction of a one-story addition approximately 22 feet by 25.6 feet, with an attached deck approximately 15.3 feet by 8 feet at the rear of their nonconforming dwelling with less than the required left side yard at 40 LAUREL AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said addition and deck will have less than the required left side yard setback.

On June 1, 1993, the petitioners filed a request for 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 Sam and Maria Wardwell. Mr. Wardwell said that they would like to remove the screened porch and replace it with a family room. When the adjacent lot was spun off as a splinter lot, the subdivision resulted in a setback of about 8 feet on their left side lot line. The proposed addition will extend to the right, but will have an 18 foot setback from the left side line, which is far less than the 8 foot setback of the existing house.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 40 Laurel Avenue, in a Single Residence District, on a 19,101 square foot lot, and has a minimum left side clearance of 8.1 feet from the left rear corner of the dwelling.

The petitioners are requesting a Finding that the demolition of an existing nonconforming screened porch and the construction of a one-story addition approximately 22 feet by 25.6 feet with a minimum left side yard clearance of 18.1 feet, and a deck approximately 15.3 feet by 8 feet with a minimum left side yard clearance of 18.4 feet, will not be substantially

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more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated May 24, 1993, drawn by George N. Giunta, Registered Land Surveyor; floor plans and elevations; and photographs were submitted.

On June 15, 1993, the Planning Board reviewed the petition and voted to recommend that the petition be denied as it appears that the addition could be built elsewhere on the lot where it would have less of an impact on the adjacent property.

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 although the proposed one-story addition and deck will intensify the existing nonconformity, the proposed construction will not create additional nonconformities as the nonconforming addition and deck will have a minimum left side yard clearance of 18.1 and 18.4 feet respectively, while the existing nonconforming dwelling has a minimum left side yard clearance of 8.1 feet.

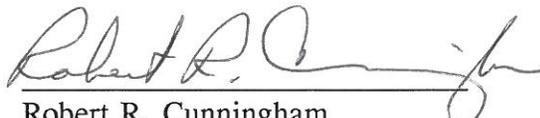
This Authority finds that as the proposed addition and deck will be far less nonconforming than the existing dwelling, and as the proposed addition will have only one story, the demolition of the existing porch and construction of the addition and the deck shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, subject to construction in accordance with the plot plan and sketches as submitted.

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

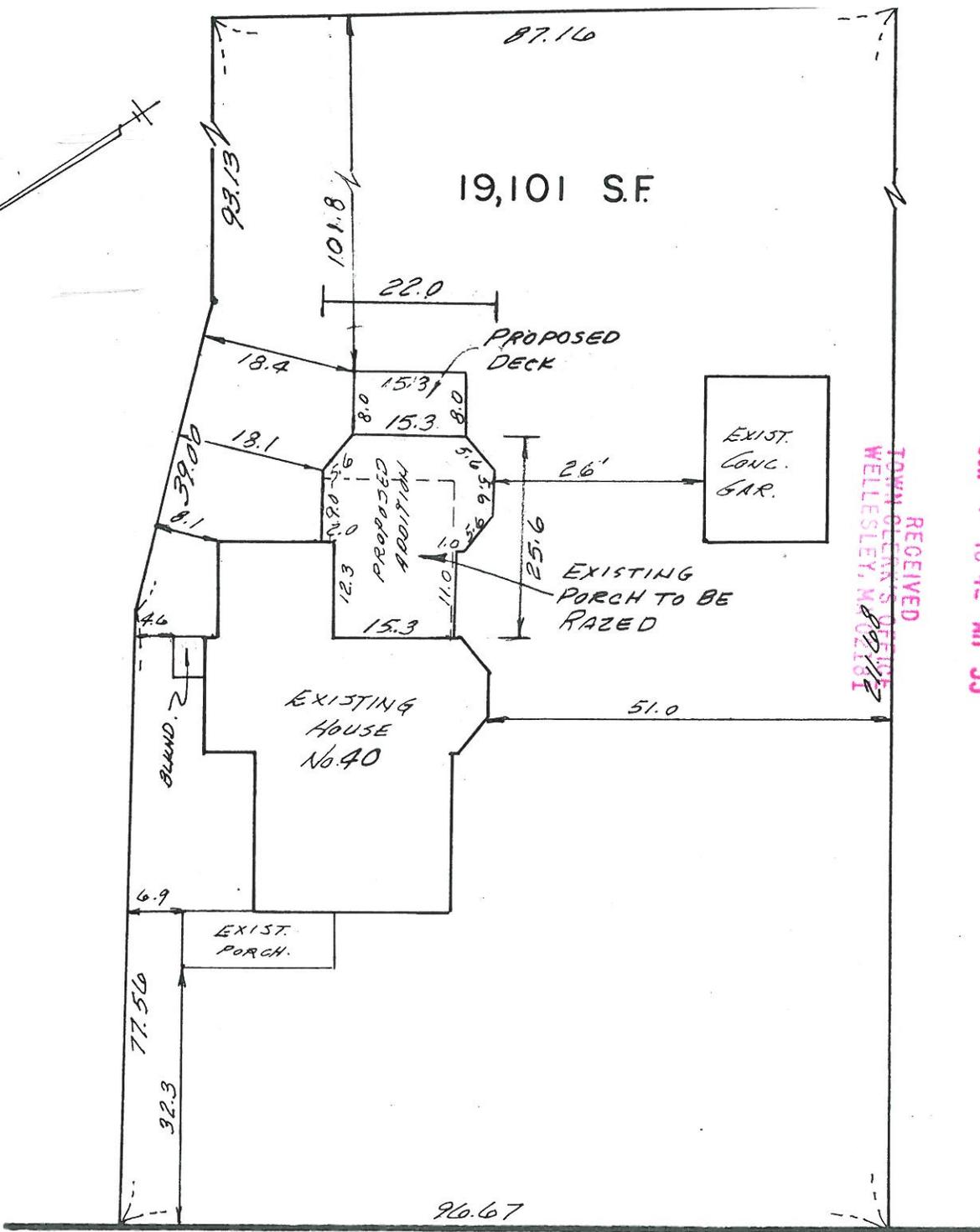
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

cc: Planning Board
Inspector of Buildings
edg



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LAUREL AVE.

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.



MAY 24, 1993 SCALE 1" = 20'

NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST
NEEDHAM, MASS.

OWNER: SAMUEL A. & MARIA D. WARDWELL