



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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ZBA 93-54
Petition of William and Lorraine H. Murphy
15 Chapel Place

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 15, 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 WILLIAM AND LORRAINE H. MURPHY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for the proposed addition of a deck approximately 27.4 feet by 22.65 feet at the rear of their nonconforming dwelling with less than the required left and right side yard setbacks at 15 CHAPEL PLACE, in a Single Residence District. Said deck will have less than the required right side yard setback.

On June 28, 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 William Murphy, who said that they would like to add a deck at the rear of their nonconforming home. The lot is long and narrow. The deck will run parallel to the right side lot line and will be an extension of the existing line of the house.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 15 Chapel Place on a 19,007 square foot lot in a Single Residence District, and has a minimum left side yard clearance of 16.49 feet and a minimum right side yard clearance of 10.14 feet.

The petitioners are requesting a Special Permit/Finding to allow construction of a deck at the rear of their dwelling which will be approximately 27.4 feet by 22.65 feet with a conforming left side yard clearance of 20.93 feet and a minimum right side yard clearance of 12.24 feet.

A Plot Plan dated May 24, 1993, drawn by Alexander Crucioli, Professional Land Surveyor; construction sketches and elevations; and photographs were submitted.

On July 13, 1993, the Planning Board reviewed the petition and voted to recommend granting of the relief being sought.

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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.

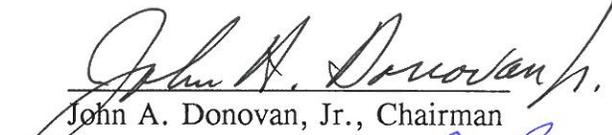
It is the opinion of this Authority that although the construction of the proposed deck will intensify the existing nonconformity, the project will not create additional nonconformities as the right side yard clearance of the proposed deck will be greater than that of the existing nonconforming dwelling.

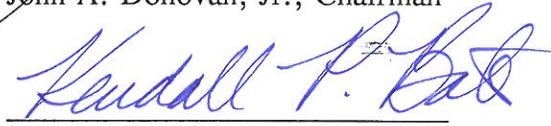
Therefore, this Authority finds that the construction of the proposed deck shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, subject to construction in accordance with the submitted plot plan and construction sketches.

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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Franklin P. Parker

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