



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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ZBA 94-53
Petition of Fred A. and Alicia Kelly, Jr.
23 Wall Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 25, 1994 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 FRED A. AND ALICIA KELLY, JR. requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a one-story addition approximately 28 feet by 14 feet with less than the required left side yard at their nonconforming dwelling at 23 WALL STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 8, 1994, 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 was Fred Kelly, who said that the house was built in 1946 or 1947, and is only 12 feet from the left side lot line at the left rear corner of the garage. The proposed addition will be 16.1 feet from the left side line. The neighbors to the immediate left and right of the property have no problem with the petition.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located on a 10,980 square foot lot at 23 Wall Street, and has a minimum left side yard clearance of 12 feet from the left rear corner of the garage.

The petitioners are requesting a Special Permit/Finding to allow construction of a one story addition approximately 28 feet by 14 feet at the rear of the dwelling, which would have a minimum left side yard clearance of 16.1 feet.

A plot plan dated July 20, 1994, drawn by Robert F. Drake, Registered Professional Land Surveyor; Floor plans and elevations, dated July 24, 1994, drawn by John Chapman, Architect; and photographs were submitted.

On August 18, 1994, the Planning Board reviewed the petition and voted to offer no comment.

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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.

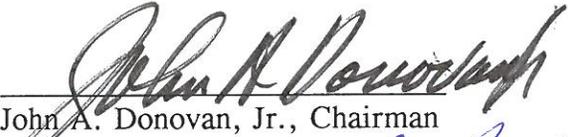
It is the opinion of this Authority that the proposed one-story addition will neither intensify the existing nonconformance or create additional nonconformities, as said addition will be less nonconforming than the existing structure.

Therefore, a Special Permit for construction of said addition is granted, subject to construction in accordance with the plot plan and construction sketches as submitted.

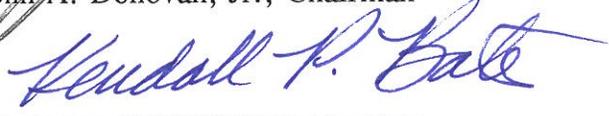
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

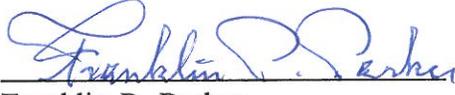
cc: Planning Board
Inspector of Buildings
edg



John A. Donovan, Jr., Chairman



Kendall P. Bates



Franklin P. Parker

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