TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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ZBA 98-54
Petition of Ronald F. and Carol C. Walsh
11 Durant Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 25, 1998 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 RONALD F. AND CAROL C. WALSH 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 right side yard setback at 11 DURANT 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 23.3 feet by 16.5 feet with less than the required right side yard setback.

2. A second story 12.2 foot by 6 foot addition above a portion of the one-story addition, which will have less than the required right side yard setback.

On June 8, 1998, 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 Ronald and Carol Walsh. Mrs. Walsh said that their children have all moved out, but are now returning with their families for visits, and more space is needed. They would like to enlarge the kitchen and bath on the first floor and enlarge a bedroom on the second floor.

The Board asked if the Walshes had considered adding on to the left side of the house where there is sufficient space. Mrs. Walsh said that they had considered it, but the kitchen is on the right side. The right side neighbor has no problem with the addition.

Robert Kenney, 18 Durant Road, expressed support for the petition.

Statement of Facts

The subject dwelling is located at 11 Durant Road, in a Single Residence District, on a 9,391 square foot lot, and has a minimum right side yard clearance of 10.8 feet. The petitioners are requesting a Special Permit that the construction of a one-story 23.3 foot by 16.5 foot

addition, with a minimum right side yard clearance of 10.8 feet and a 12.2 foot by 6 foot second story addition above the one-story addition, which will have a minimum right side yard clearance of 19 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

A Plot Plan dated May 20, 1998, revised June 5, 1998, drawn by Paul J. Sawtelle, Registered Land Surveyor; Floor Plans and Elevations; and photographs were submitted.

On June 23, 1998, the Planning Board reviewed the petition and was unable to make a recommendation because the plan was not legible.

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 finding of this Authority that the construction of the 23.3 foot by 16.5 foot one-story addition and the 12.2 foot by 6 foot second story addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as neither addition will intensify the existing nonconformance or create additional nonconformance.

Therefore, the Special Permit is granted for the construction of the two additions, as voted unanimously by this Authority at the Public Hearing, 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 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 A. Bastille

cc: Planning Board
Inspector of Buildings

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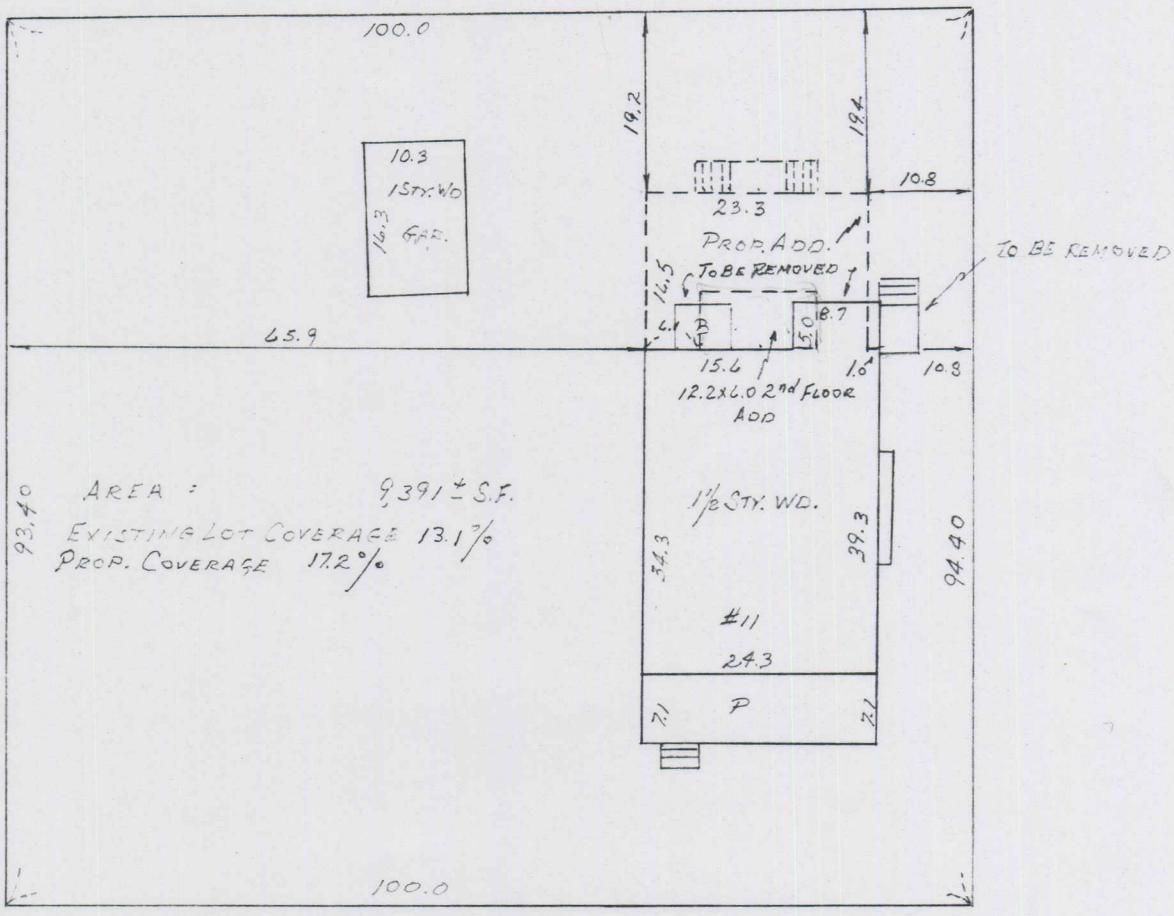

DURANT ROAD

OWNER:
RONALD F. WALSH
& CAROL CURTIN WALSH

PLAN OF LAND
IN
WELLESLEY, MASS.

COMMONWEALTH OF MASSACHUSETTS
PAUL J. SAWTELLE
No. 9747
REGISTERED
LAND SURVEYOR

Paul Sawtelle

REVISED — JUNE 5, 1998
SCALE 1" = 20' MAY 20, 1998
MASS BAY SURVEY INC. NEWTON, MASS.