

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

1999 JUL -8 A 10:06

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ZBA 99-42
Petition of John M. and Lisa Li Kenney
305 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 24, 1999 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 JOHN M. AND LISA LI KENNEY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 14 foot by 26 foot deck, with less than the required left side yard setback, at their nonconforming dwelling with less than the required front and left side yard setbacks, at 305 LINDEN STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 7, 1999, 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 Lisa Kenney, who said that she and her husband would like to build a deck which will be less nonconforming than the existing house. The deck will provide enjoyment to the owners and will increase the value of the house.

The Board noted that the Planning Board had no objection to granting the petition. However, the submitted plans require further identification as to the names of the owners, address of the property, name of the plan designer, the number of pages submitted, and the date on which they were drawn. The identification of the plans would be a condition of the decision.

Susan Fox, 323 Linden Street, expressed support for the petition.

Statement of Facts

The subject property is located at 305 Linden Street, in a Single Residence District, on a 10,000 square foot lot, and has a minimum front yard clearance of 28 feet and a minimum left side yard clearance of 10 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 26 foot by 14 foot deck, with a minimum left side yard clearance of 14.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A plot plan dated May 6, 1999, drawn by Terrence M. Ryan, Registered Professional Land Surveyor; unsigned and undated floor plans and elevations; and photographs were submitted.

On June 22, 1999, the Planning Board reviewed the petition and had no objection to the granting of the request as the proposed deck is a greater distance from the side yard than the existing house, and the lot coverage is well under the zoning limitation.

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 a 14 foot by 26 foot deck, with a minimum left side yard clearance of 14.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformance, nor will it create new nonconformance as the proposed deck will be less nonconforming than the existing structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to allow construction of the deck in accordance with the submitted plot plan and construction drawings, subject to the condition that all construction drawings be properly identified as to owner, address, designer, date, and page number and resubmitted to the office of the Board of Appeals prior to the issuance of any building permit.

Subsequent to compliance with the aforesaid condition, 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

Kendall P. Bates, Chairman

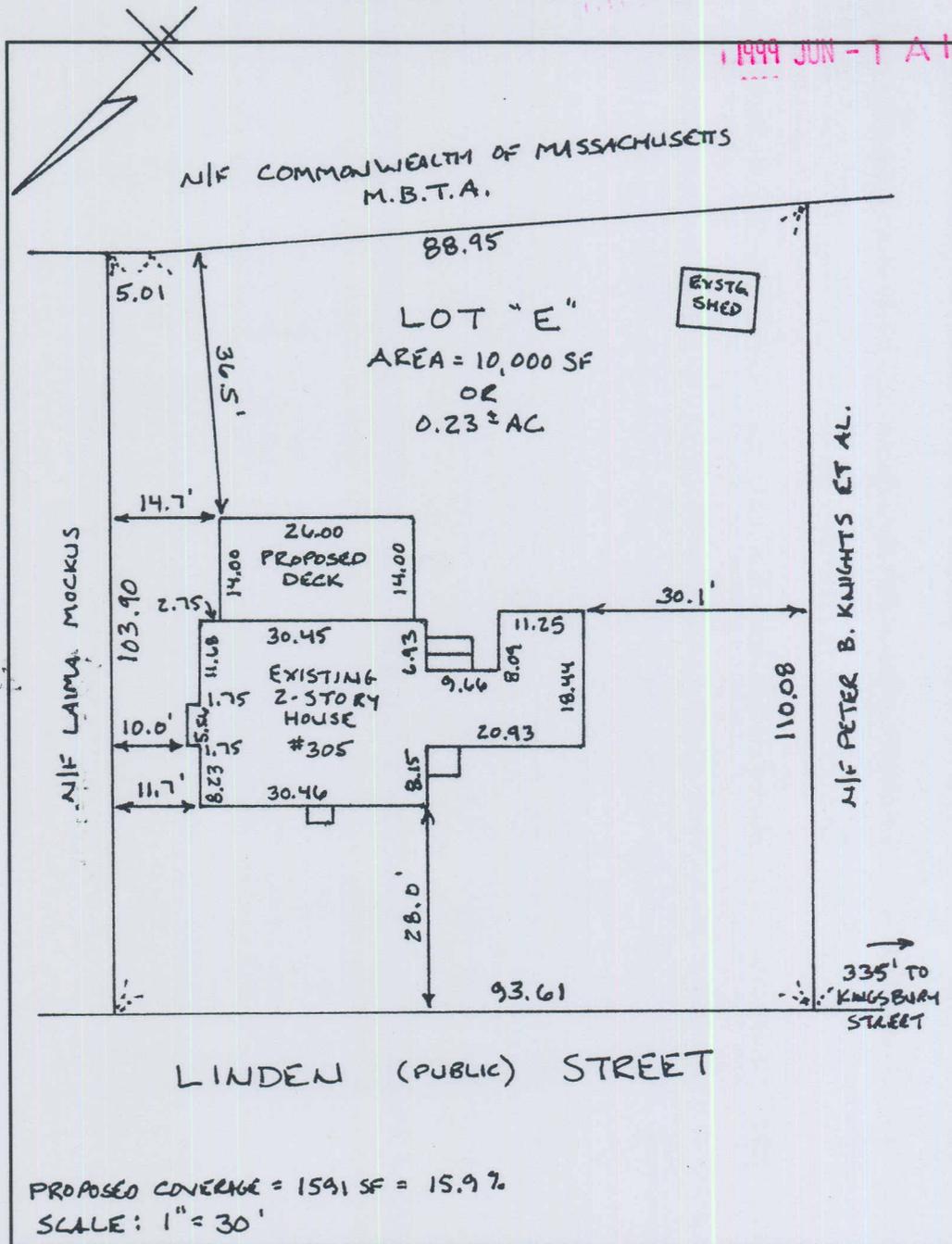
Richard L. Seegel

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PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN

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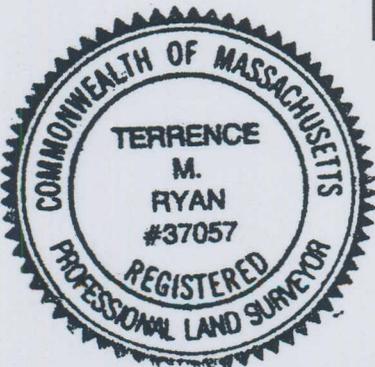
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CURRENT ZONING:

- ZONED: SINGLE RES.
- AREA: 10,000 SF
- FRONTAGE: 75 FT
- SETBACK: 30 FT
- SIDEYARD: 20 FT
- REARYARD: 10 FT
- COVERAGE: 25%

ASSESSORS MAP 98 LOT 28



MAY 6, 1999
DATE

(508) 429-7233
PHONE

Terrence M. Ryan C.L.S. 37057
REG. LAND SURVEYOR
APPLEWOOD SURVEY CO.
21 GREEN STREET
HOLLISTON, MA 01746
ADDRESS