

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2018-31

Petition of John & Natalie MacVarish  
110 Oak Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 3, 2018 on the petition of John & Natalie MacVarish requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming three season porch with less than required right side yard setbacks and construction of a two story addition on the same footprint, and construction of a one story addition at the rear and a portico over an existing front landing that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, at 110 Oak Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 29, 2018, the Petitioner 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 Danielle Abelow, Architect, representing John and Natalie MacVarish, the Petitioner. She said that it is a pre-existing nonconforming structure that encroaches into both side yard setbacks. She said that the proposal is for construction of a rear addition that will be conforming and rebuilding a screened porch to an enclosed space on the existing footprint.

The Board said that the screened porch encroaches into the side setback by about 3.3 feet.

The Board said that the front portico is allowed by right.

There was no one present at the public hearing who wished to speak to the petition.

### Statement of Facts

The subject property is located at 110 Oak Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 19.7 feet and a minimum right side yard setback of 16.7 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming three season porch with less than required right side yard setbacks and construction of a two story addition on the same footprint, and construction of a one story addition at the rear and a portico over an existing front landing that will meet all setback requirements, on an existing nonconforming structure with less than required left side

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110 Oak Street

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yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

An Existing Plot Plan and a Proposed Plot Plan, dated 3/21/18, stamped by Terrence M. Ryan, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 3/27/18, prepared by ssdDesigns, and photographs were submitted.

On April 25, 2018, the Planning Board reviewed the petition and recommended that Special Permit be granted.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that demolition of an existing nonconforming three season porch with less than required right side yard setbacks and construction of a two story addition on the same footprint, and construction of a one story addition at the rear and a portico over an existing front landing that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming three season porch with less than required right side yard setbacks and construction of a two story addition on the same footprint, and construction of a one story addition at the rear and a portico over an existing front landing that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, in accordance with the submitted plot plan and construction drawings.

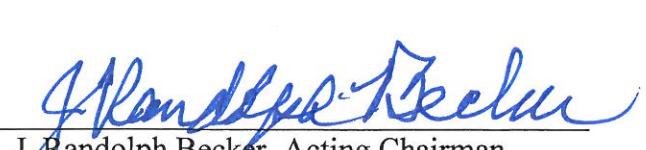
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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Petition of John & Natalie MacVarish  
110 Oak Street

Planning Board  
110 Oak Street  
P.O. Box 100  
Weston, MA 01881  
(781) 229-1100  
(781) 229-1101

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.

  
J. Randolph Becker, Acting Chairman

  
David G. Sheffield

  
Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm

PLOT PLAN  
110 OAK STREET  
WELLESLEY, MASS.

DATE: MARCH 21, 2018

SCALE: 1" = 20'

PREPARED FOR:

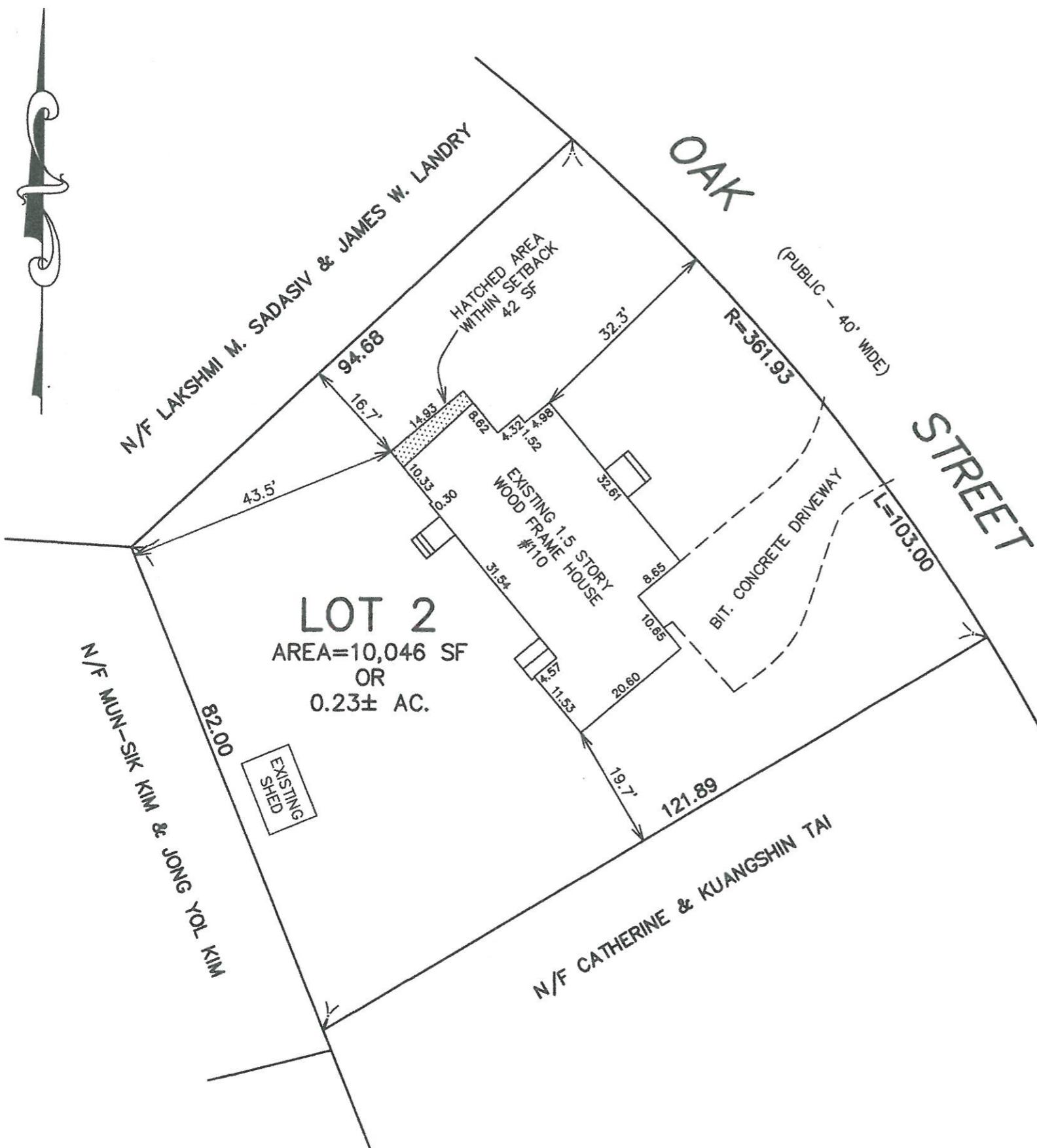
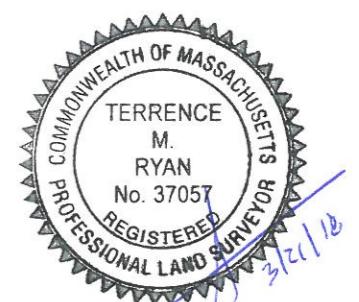
JOHN & NATALIE MacVARISH  
110 OAK STREET  
WELLESLEY, MASS. 02482

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY LLC  
21 GREEN STREET  
HOLLISTON, MASS. 01746  
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.  
AREA: 10,000 SF  
FRONTAGE: 60 FT  
SETBACK: 30 FT\*  
SIDEYARD: 20 FT  
REARYARD: 10 FT  
COVERAGE: 2,500 SF

DEED BOOK 33811 PAGE 142  
ASSESSORS MAP 135 LOT 63  
EXISTING COVERAGE: 1,342 SF = 13.4%



I CERTIFY THAT THE LOT SHOWN CONFORMS TO THE DIMENSIONAL REGULATIONS  
OF THE WELLESLEY ZONING BYLAWS AND EXISTING HOUSE SHOWN THEREON  
PREDATES THE DIMENSIONAL OFFSET REGULATIONS OF THE WELLESLEY ZONING  
BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE  
LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL  
FLOODING (SOURCE: F.I.R.M. 25021C0016E).

# PROPOSED PLOT PLAN 110 OAK STREET WELLESLEY, MASS.

DATE: MARCH 21, 2018

SCALE: 1" = 20'

PREPARED FOR:

JOHN & NATALIE MacVARISH  
110 OAK STREET  
WELLESLEY, MASS. 02482

ENGINEERS & SURVEYORS:

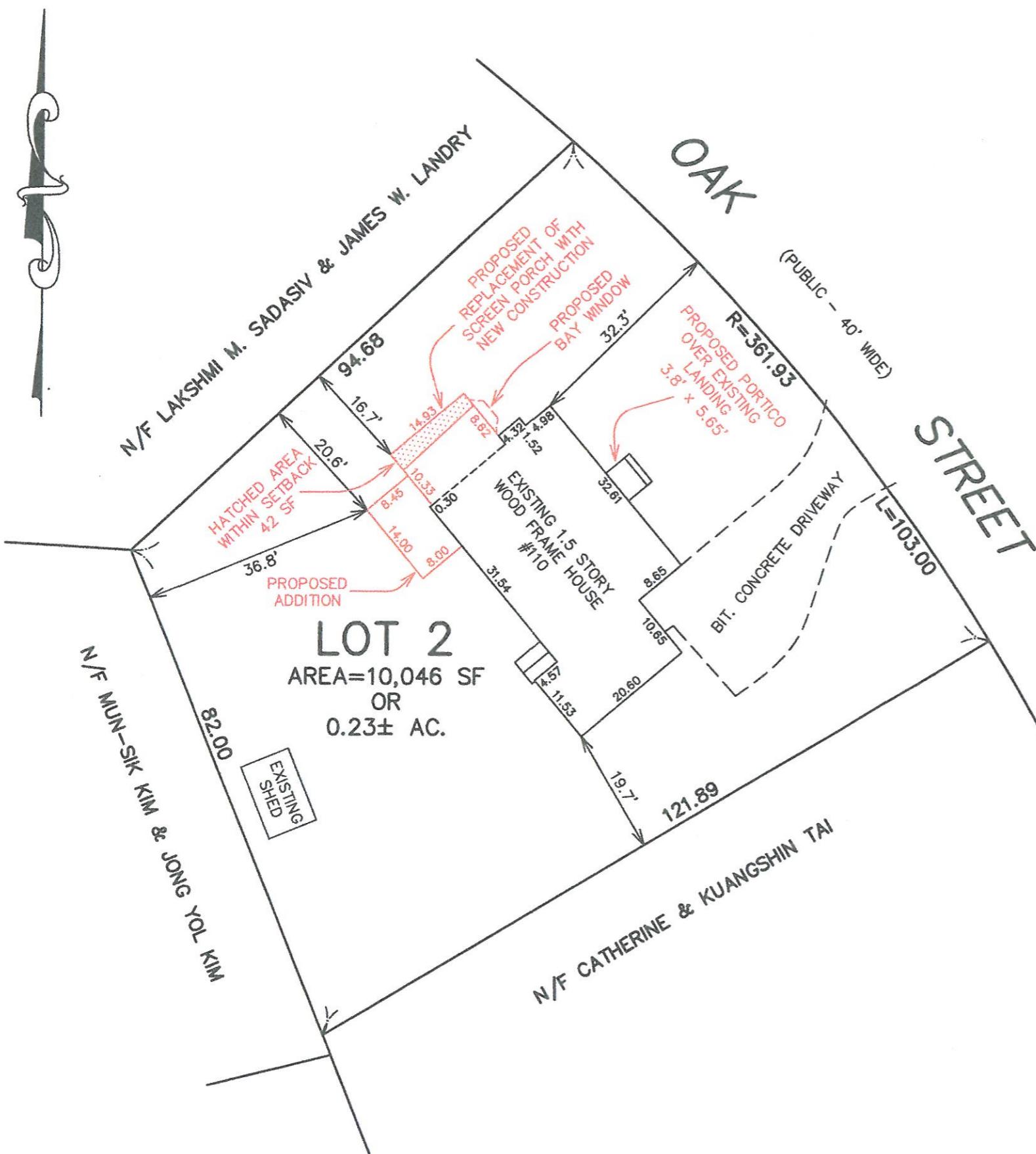
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ZONED: SINGLE RES.  
AREA: 10,000 SF  
FRONTAGE: 60 FT  
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SIDEYARD: 20 FT  
REARYARD: 10 FT  
COVERAGE: 2,500 SF

DEED BOOK 33811 PAGE 142  
ASSESSORS MAP 135 LOT 63  
PROPOSED COVERAGE: 1,441 SF = 14.3%



3/21/18



I CERTIFY THAT THE LOT SHOWN CONFORMS TO THE DIMENSIONAL REGULATIONS  
OF THE WELLESLEY ZONING BYLAWS AND EXISTING HOUSE SHOWN THEREON  
PREDATES THE DIMENSIONAL OFFSET REGULATIONS OF THE WELLESLEY ZONING  
BYLAWS.

I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE  
LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL  
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