

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2017-94  
Petition of David Joncas  
15 Ordway Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 7, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of David Joncas requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, at 15 Ordway Road, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 16, 2017, 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 were Kerri Byrne, Architect, David Joncas and Lauren Peters, the Petitioner. Ms. Byrne said that it is an existing nonconforming property with an 11 foot right side yard setback to the garage. She said that the proposal is for two additions, a two-story on the left side and a one-story at the rear. She said that both additions will be conforming. She said that they will not touch the existing nonconforming garage. The Board said that because the house is attached to the garage, the house is nonconforming as well.

The Board asked about the location of the air conditioning condensers. Ms. Byrne said that there are three existing air conditioning units where the new addition is going. She said that the units will be moved to the rear of the house behind the addition in a conforming location.

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 15 Ordway Road, in a 20,000 square foot Single Residence District, with a minimum right side yard setback of 11 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan, dated 10/29/17, stamped by Neil J. Murphy, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 10/31/17, prepared by Catalano Architects Inc, and photographs were submitted.

On December 5, 2017, the Planning Board reviewed the petition and recommended that a 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 construction of a two-story addition and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required 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 construction of a two-story addition and construction of a one-story addition that will meet setback requirements, on an existing nonconforming structure with less than required 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 constructions plans.

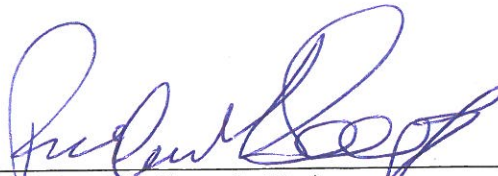


If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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DEC 21 P 3:06

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.

  
Richard L. Seegel, Chairman  
J. Randolph Becker  
David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrn



15 Ordway Road  
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Date: October 29, 2017

