

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

2003 MAR 28 10:28

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

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ZBA 2003-27

Petition of Frank and Linda LoPiccolo
25 Wellesley Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 13, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of FRANK AND LINDA LOPICCOLO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure of their existing 8.1 foot by 21.2 foot screened porch with less than the required front yard and right side yard setbacks, at their nonconforming dwelling with less than the required front and right side yard setbacks, at 25 WELLESLEY AVENUE, in a General Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On February 21, 2003, 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 Frank LoPiccolo, who said their house fronts on Wellesley Avenue, and the traffic prevents them from enjoying the open porch, which is the reason they would like to enclose it.

The Board noted the Planning Board commented the project may be within the buffer zone for Fuller Brook, and recommended that there be no change to the foundation of the porch, which would ensure that no second story be built above it.

Mr. LoPiccolo said they did not plan to change the foundation, nor add a second floor above the porch.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 25 Wellesley Avenue, in a General Residence District, on a 10,413 square foot lot, and has a minimum right side yard setback of 18.1 feet.

The petitioners are requesting a Special Permit/Finding that the enclosure of an existing one-story 8.1 foot by 21.2 foot screened porch, with a minimum right side yard setback of 18.1 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

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A Plot Plan dated February 19, 2003, stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated February 17, 2003, drawn by Robert Nudelman; and photographs were submitted.

On March 11, 2003, the Planning Board reviewed the petition and noted that the project may be within the buffer zone for Fuller Brook. The Board recommended that there be no change to the foundation of the porch, which would ensure that additional floors would not be built above it in the future.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject property 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 proposed enclosure of the 8.1 foot by 21.2 foot one-story screened porch shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure because the porch enclosure shall not intensify the existing nonconformance, nor create new nonconformity as there will be no change in the footprint.

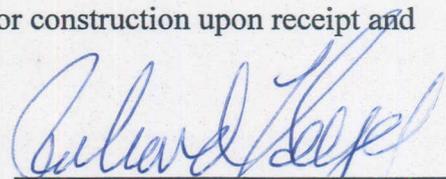
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the enclosure of the 8.1 foot by 21.2 foot one-story porch in accordance with the submitted plot plan and construction drawings, subject to the following condition:

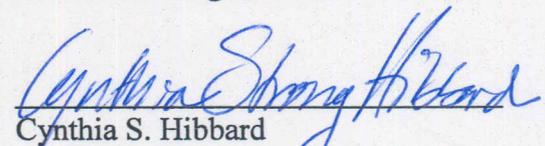
1. There shall be no change in the foundation, nor shall a second story be built above the enclosed structure.

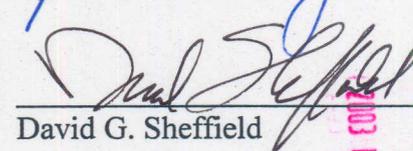
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Richard L. Seegel, Chairman


Cynthia S. Hibbard


David G. Sheffield

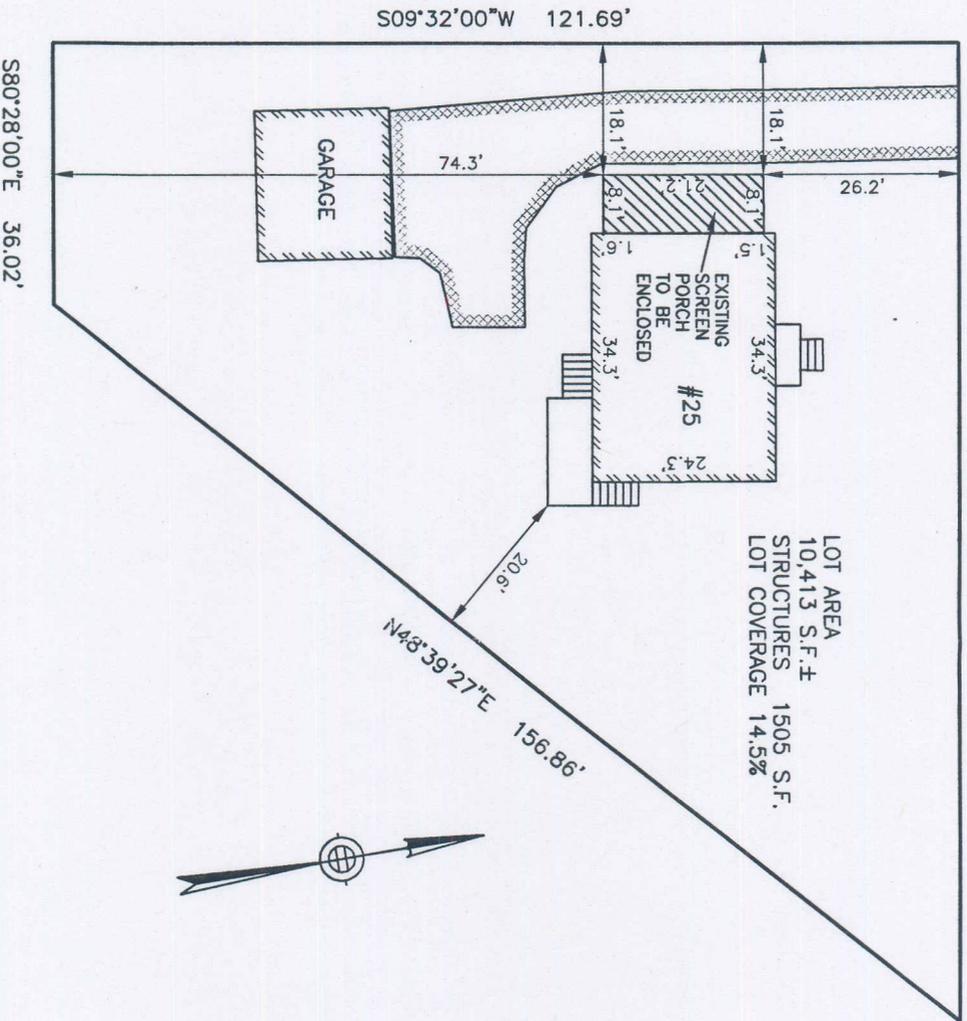
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2003 FEB 21 A 9 11

WELLESLEY AVENUE

N80°28'00"W 135.00'



PLAN OF LAND
WELLESLEY, MA.

25 WELLESLEY AVENUE
PROPOSED CONSTRUCTION

SCALE 1 IN. = 20 FT
FEBRUARY 19, 2003



EVERETT M.
BROOKS
COMPANY
ENGINEERS & SURVEYORS
49 LEXINGTON STREET
WEST NEWTON MA 02465
(617) 527-8750
PROJECT NO. 21223