

**ZONING BOARD OF APPEALS**

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

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ZBA 2007-54  
Petition of Dan Nyugen and Panagoula Zografou  
8 Cypress Road

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Petition of DAN NYUGEN AND PANAGOULA ZOGRAFOU requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing porch, construction of a 5 foot by 10 foot deck with a 2 foot canopy over the rear entry door, and construction of a 2 foot canopy over a garage door with less than required right side yard setbacks, on a 7,604 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 8 CYPRESS ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 2007, 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 Dan Nyugen and Panagoula Zografou (the "Petitioner").

Ms. Zografou said that the request is for a Special Permit to enclose a porch as part of a kitchen renovation, and for construction of a new platform and canopies over doors for protection from the weather.

Ms. Zografou said that their house is on a small lot and is close to the neighbors. She said that the area that they would like to renovate is not visible to the neighbors.

The Board said that letters were received from the neighbors at 11 and 12 Cypress Road.

Ms. Zografou said that they have renovated most of the inside of the house. She said that this is the last area to be renovated.

The Board said that there are other small lots on Cypress Road.

Ms. Zografou said that the house was built around 1895. She said that the porch was part of the original house.

There was no member of the public present at the Public Hearing who wished to speak to the petition.

### Statement of Facts

The subject property is located at 8 Cypress Road, on a 7,604 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum front yard setback of 28.8 feet, a minimum left side yard setback of 4.7 feet, a minimum rear yard setback of 4 feet, and a minimum right side yard setback of 3.7 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing porch, construction of a 5 foot by 10 foot deck with a 2 foot canopy over the rear entry door, and construction of a 2 foot canopy over a garage door with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/27/07, stamped by George N. Giunta, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/5/07, drawn by Streibert Associates, and photographs were submitted.

On July 30, 2007, the Planning Department reviewed the petition and had no objection to granting the request.

### 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 finding of this Authority that although enclosure of an existing porch, construction of a 5 foot by 10 foot deck with a 2 foot canopy over the rear entry door, and construction of a 2 foot canopy over a garage door with less than required right side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing porch, construction of a 5 foot by 10 foot deck with a 2 foot canopy over the rear entry door, and construction of a 2 foot canopy over a garage door, 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.

This Special Permit shall expire two years after the date time stamped on this decision.

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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.

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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
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