

**ZONING BOARD OF APPEALS**

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

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web: [www.wellesleyma.gov](http://www.wellesleyma.gov)J. RANDOLPH BECKER, VICE CHAIRMAN  
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DAVID L. GRISSINO

ZBA 2009-23

Petition of Susan & Alan Korthals  
62 Leighton Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 2, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of SUSAN AND ALAN KORTHALS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing nonconforming breezeway with less than required left side yard setbacks, on a 7,670 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 62 LEIGHTON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 16, 2009 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 Susan Korthals (the "Petitioner"), who said that the request is to enclose a screened breezeway. She said that the property is located on the Brook Path. She said that they were careful to select someone who would be sensitive to the nature of the location as well as the architecture of the house. She said that they selected replacement windows that are in the style of the existing house. She said that they will be careful with debris removal because the neighbors are located so close.

The Board asked about the current use of the breezeway versus the proposed use. Ms. Korthals said that they currently use it as seasonal eating and living space. She said that enclosing the area will allow them to use it longer.

Ms. Korthals said that there are existing electrical plugs and an overhead light located in the breezeway.

The Board said that a new cupola and door on the garage are shown on Plan A-1. Ms. Korthals said that the garage door is in need of replacement. She said that they will select a door that is in keeping with the changes to the breezeway area. She said that construction of the cupola will depend on the budget.

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 62 Leighton Road, on a 7,670 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 11 feet, a minimum right side yard setback of 5.7 feet, and a minimum front yard setback of 28.1 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing nonconforming breezeway with less than required left side yard setbacks, on a 7,670 square foot lot in a district in which the minimum lot size is 10,000 square feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/8/09, stamped by Terrence M. Ryan, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 9/23/08, Proposed Floor Plans and Elevation Drawings, dated 3/10/09, prepared by D. Michael Collins Architects, and photographs were submitted.

On November 13, 2008, the Wetlands Protection Administrator stated that:

No changes in the footprint of the structure are proposed and no excavation will occur. As such, this project can be considered "maintenance" of the existing structure, which is allowed within the Riverfront Area without applying for an Order of Conditions (permit) for work in the Riverfront Area.

On March 20, 2009, the Planning Board 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 enclosure of an existing nonconforming breezeway with less than required left side yard setbacks, on a 7,670 square foot lot in a district in which the minimum lot size is 10,000 square feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it shall neither increase an existing nonconformity nor shall it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing nonconforming breezeway.

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.

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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J. Randolph Becker, Acting Chairman

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Robert W. Levy

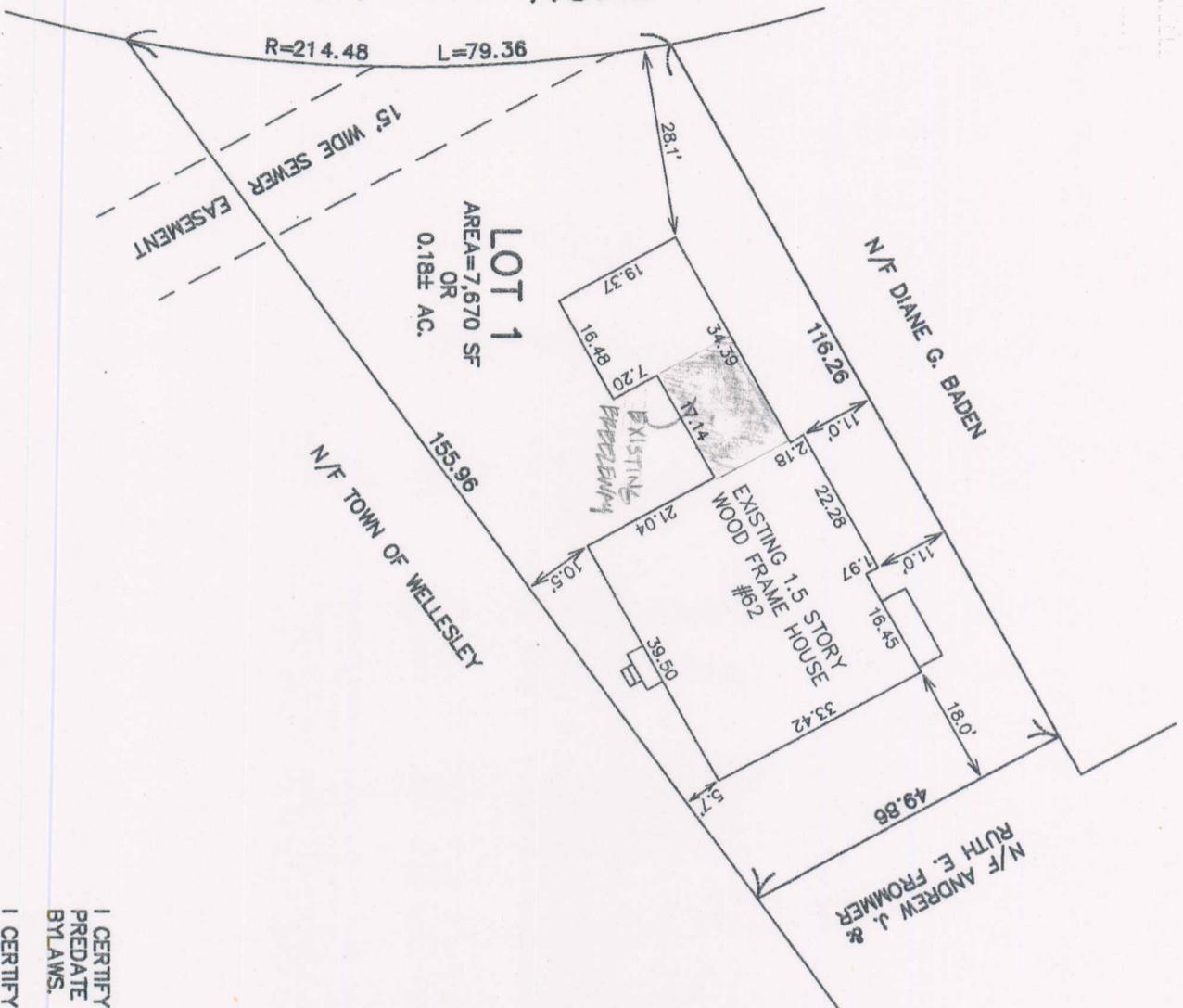
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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm



# LEIGHTON (PUBLIC) ROAD



**LOT 1**  
 AREA=7,670 SF  
 OR  
 0.18± AC.

EXISTING  
 WOOD FRAME HOUSE  
 #62

## PLOT PLAN

62 LEIGHTON ROAD  
 WELLESLEY, MASS.

DATE: MARCH 8, 2009 SCALE: 1" = 20'

PREPARED FOR:

D. MICHAEL COLLINS ARCHITECTS  
 21 ELIOT STREET  
 NATICK, MASS. 01760

ENGINEERS & SURVEYORS:

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

ZONED: SINGLE RES.  
 AREA: 10,000 SF  
 FRONTAGE: 60T  
 SETBACK: 30 FT\*  
 SIDEYARD: 20 FT  
 REARYARD: 10 FT  
 COVERAGE: 2500 SF

\*SUBJECT TO 500' RULE

DEED BOOK 25242 PAGE 505  
 ASSESSORS MAP 125 LOT 134  
 EXISTING COVERAGE: 1951 SF = 25.4%



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON  
 PREDATE 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 "C" - SUBJECT TO MINIMAL  
 FLOODING (SOURCE: F.I.R.M. 250265 0005 B).