



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 86-67
Petition of Joseph and Nancy Kahn
24 Francis Road

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DEC 23 11 27 AM '86

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, December 4, 1986 at 8 p.m. in the Great Hall of the Town Hall at 525 Washington Street, Wellesley on the petition of JOSEPH AND NANCY KAHN requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the conversion of an existing non-conforming porch approximately 9 feet by 12.5 feet at their dwelling at 24 FRANCIS ROAD to create a permanent room, said porch having less than the required right (southerly) side yard.

On November 13, 1986 the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Joseph and Nancy Kahn, who stated that they have a two-bedroom house and need a third bedroom. The house was built in 1937, the porch built later, leaving a side yard of 7.7 feet. Neighbors say the porch was there in 1959. A variance is requested to bring the porch into conformance and to enclose it. A letter in support of the petition was presented, signed by several of the Kahn's neighbors.

No others were present at the hearing expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 24 Francis Road, containing 24,094 square feet of land. A dwelling exists on the property with a setback of 7.7 feet from the right (southerly) lot line abutting land owned by the Town of Wellesley (Sprague Field). The house was constructed in 1937, 10.3 feet from the lot line. A porch approximately 9 by 12.5 feet was constructed sometime thereafter, leaving a southerly side yard of 7.7 feet, the requirement being 10 feet.

The petitioners, Joseph and Nancy Kahn, are requesting a variance to bring the illegal porch into conformance with the Zoning Bylaws and to convert the screened porch into a bedroom. The

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existing roof and foundation would be maintained and the encroachment to the side line would not be increased.

A Plot Plan was presented, drawn by Nathan Rossman, Registered Land Surveyor, of Mass. Bay Survey, Inc., Newton, Ma., dated November 3, 1986. Construction sketches and photos were submitted

The Planning Board, at its regular meeting of November 18, 1986, voted to oppose the granting of the request based on the fact that the porch enclosure represents encroachment on the 10 foot public land "buffer".

A letter in support of the request was received signed by the following neighbors: Michael and Andrea Weil, 18 Francis Road, Donald Burgy, 25 Francis Road, Laurie McCormick, 11 Francis Road, Joseph Perdoni, 6 Francis Road, Peter Furth, 3 Francis Road, Howard & Rose Perry, 19 Francis Road, L. Curtis Herring, Jr., 14 Francis Road.

Decision

This Authority has made a careful study of the evidence presented and is of the opinion that the existing dwelling at 24 Francis Road is not in conformance with the Zoning Bylaws of the Town. The porch is 7.7 feet from the southerly lot line abutting Town of Wellesley land.

The petitioner is requesting a variance to bring the illegal porch into conformance with the Bylaws and to enclose the porch to create a permanent room.

It is the opinion of this Board that a literal enforcement of the provisions of the Zoning Bylaws would involve a substantial hardship to the petitioner. Furthermore, the allowance of a variance would not be detrimental to the neighborhood nor be in derogation of the intent or purpose of the Zoning Bylaw.

Therefore, the requested variances from the terms of Section XIX of the Zoning Bylaw and pursuant to Section XXIV-D of the Zoning Bylaw are granted to allow the existing dwelling at 24 Francis Road with a southerly side yard of 7.7 feet and to allow the enclosure of the screened porch to create a permanent room, as shown on the Plot Plan drawn by Nathan Rossman, Registered Land Surveyor, dated November 3, 1986.

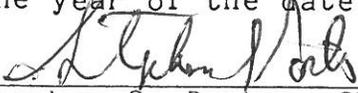
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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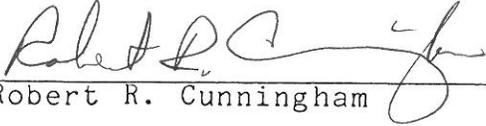
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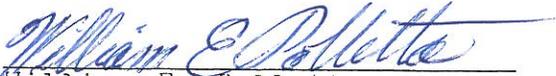
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse.



Stephen S. Porter, Chairman



Robert R. Cunningham



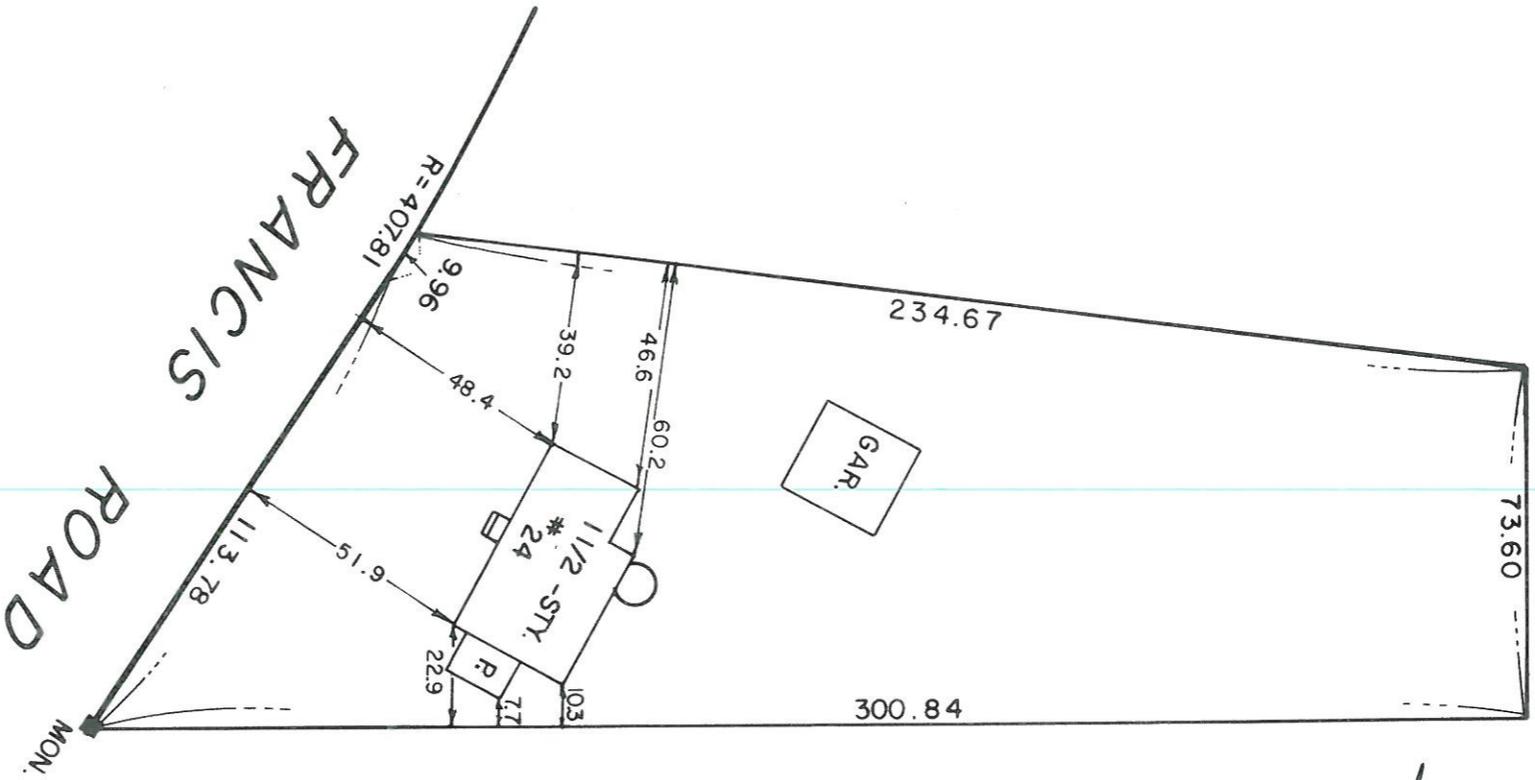
William E. Polletta

~~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.~~

mam

cc: Planning Board
Building Inspector

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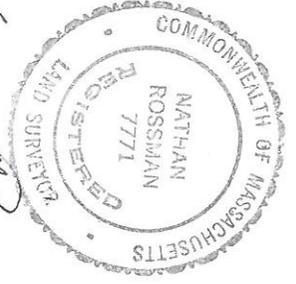


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 RECORDERS OFFICE
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 NOV 13 11 57 AM '86
 Sprague Field

PLAN OF LAND
 OF
 24 FRANCIS ROAD
 WELLESLEY, MASS.

SCALE: 1" = 40'
 MASS BAY SURVEY INC.

NOV. 3, 1986
 NEWTON, MASS.



Nathan Rossmann