

**ZONING BOARD OF APPEALS**

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

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TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181  
1999 MAR -2 A 9 26

ZBA 99-10

Petition of Robert and Jennifer D. Bortnick  
9 Leeward Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 18, 1999 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT AND JENNIFER D. BORTNICK requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 7 foot 10 3/8 inch by 7 foot by 2 foot bay window, with less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback, at 9 LEEWARD ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 1, 1999, 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 Robert Bortnick, who said that he had been before the Board several months ago seeking approval for a two-story addition, which was granted. At that time, they neglected to include the bay window, which is the subject of this petition. The bay window will be located on the addition, which is behind the garage, and will not be visible from the street. The bay window will not extend to the ground.

The Board expressed concern with creeping incrementalism in regard to the project. The garage, the two-story addition, and now the bay window are all in a nonconforming location, and each project appears to be filling more of the nonconforming space on the side yard. The bay window is a small addition, but the Board would be opposed to further incremental increases.

No other person present had any comment on the petition.

Statement of Facts

The subject premises are located at 9 Leeward Road, in a Single Residence District, on a 10,000 square foot lot, and has a minimum right side yard clearance of 12.1 feet. In August, 1998, the petitioners requested a Special Permit/Finding to construct a two-story addition with a minimum right side yard setback of 12.26 feet, which was granted. (ZBA 98-73)

The petitioners are now requesting a Special Permit/Finding that the construction of a 10 foot 3/8 inch by 7 foot by 2 foot boxed bay window, with a minimum right side yard clearance of 15.34 feet to be added to the allowed two-story addition, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/28/98, revised 1/25/98, revised 1/28/98, dran by Ronald R. Turchi, Registered Professional Land Surveyor; Floor Plans and Elevations dated January 26, 1999, drawn by Chris Darlow, Architect; and photographs were submitted.

On February 9, 1999, the Planning Board reviewed the petition and opposed the request, stating concern with the close proximity of the adjacent house.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

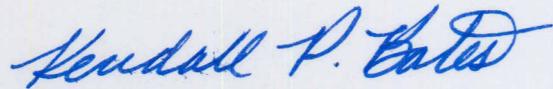
It is the finding of this Authority that the proposed 10 foot 3/8 inch by 7 foot by 2 foot boxed bay window will neither intensify the existing nonconformance nor create additional nonconformity, and therefore will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for said bay window, subject to construction in accordance with the submitted plot plan and construction drawings.

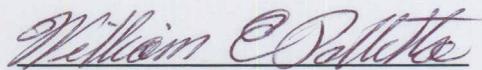
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

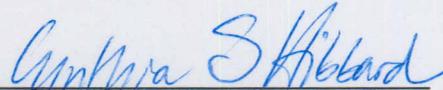
cc: Planning Board  
Inspector of Buildings  
edg



Kendall P. Bates, Chairman



William E. Polletta



Cynthia S. Hibbard

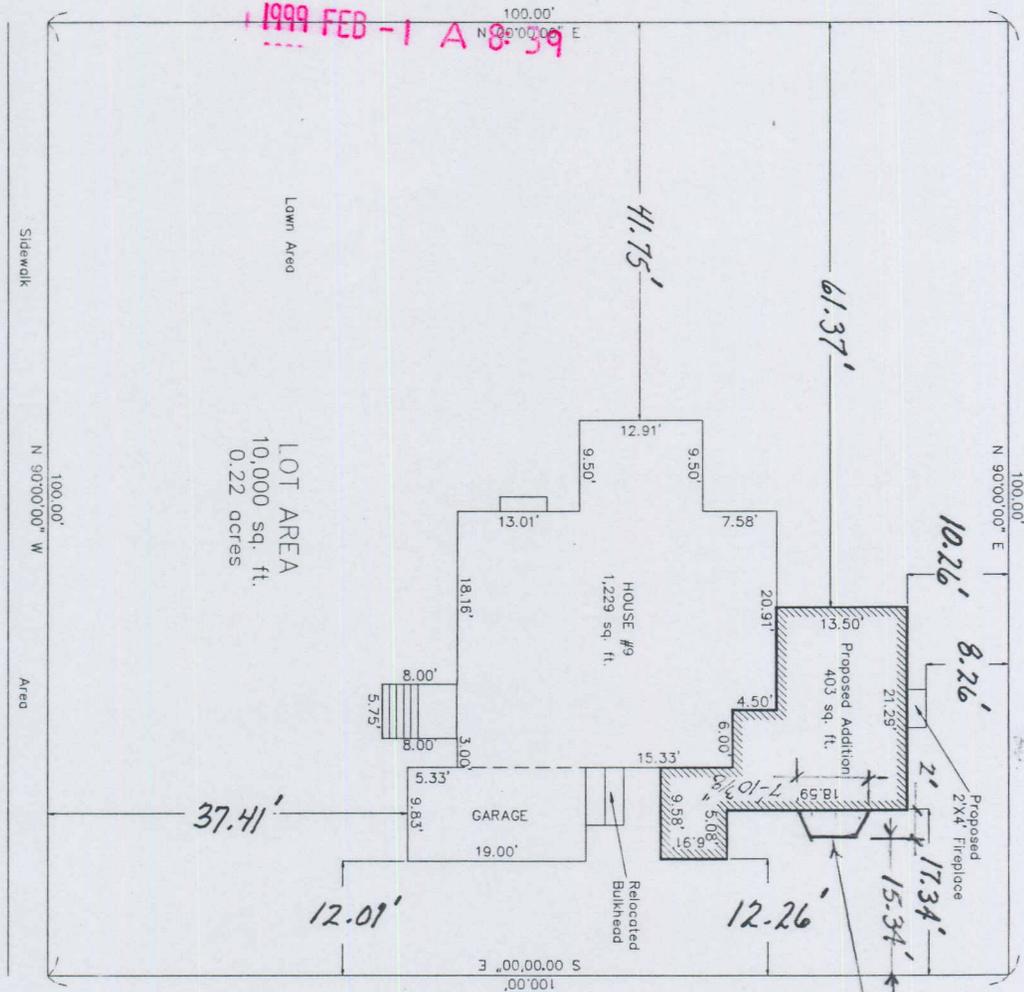
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LEEWOOD ROAD



BAY WINDOW  
2'-0" X 7'-10 3/8"

NOTES:  
EXISTING COVERAGE=.12  
PROPOSED COVERAGE=.16  
FOR ZBA USE ONLY



*Ronald R. Turchi*  
7-28-98  
1-25-98  
1-28-98

OWNER: ROBERT BORDNICK  
9 LEEWOOD ROAD  
WELLESLEY, MA 02482

PREPARED BY:  
WLS ASSOCIATES  
75 COTTAGE STREET  
NATICK, MA 01760  
(508) 653-4365  
SCALE 1"=20'