

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

1999 JUL - 8 A 10:08

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ZBA 99-46

Petition of Phyllis A. Brauner
15 Benton Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, June 24, 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 PHYLLIS A. BRAUNER requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a 7.6 foot by 10.2 foot deck with less than the required left side yard setback at her nonconforming dwelling with less than the required left and right side yard setbacks, at 15 BENTON STREET, in a Single Residence District.

A Special Permit/Finding is also requested pursuant to Section XVII and Section XXV of the Zoning Bylaw that the enclosure and incorporation into the internal structure of the dwelling of an existing nonconforming 10.2 foot by 11.5 foot porch, with less than the required left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 7, 1999, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Prior to the Public Hearing, the petitioner notified the Executive Secretary that she would be represented by her granddaughter, Julianna Lovell and/or her husband, Ronald Lovell, as vacation plans made several months ago could not be rescheduled.

Presenting the case at the hearing was Ronald Lovell, who said that a Special Permit is requested to enclose an existing slab deck, and to add a small deck in front of the existing porch. The deck will not extend past the front of the house. Both the deck and porch enclosure were part of the original design of the house, but were never built due to financial considerations. The new construction will be in keeping with the rest of the house. The deck enclosure will be one-story with a sloping roof. The left side abutters, the Slawsbys, have written a letter in support of the petition.

The Board stated that the proposed deck would be a further encroachment on the left side line, and asked if it would be possible to maintain the same setback of 16.6 feet, which is the distance of the existing deck from the left side line. Mr. Lovell said that he thought that this might be possible.

The Board was of the opinion that the special permit for the porch enclosure could be granted, but was reluctant to grant the variance to allow further encroachment into the left side yard by the proposed deck. Mr. Lovell asked if the petition for the deck could be withdrawn, the plan revised so that the deck will not encroach any closer to the left side line than the existing house, and resubmitted at a later date.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 15 Benton Street, in a Single Residence District, on a 7,485.9 square foot lot, and has a minimum left side yard clearance of 16.6 feet.

The petitioner is requesting a variance to construct a 7.6 foot by 10.2 foot deck, which would have a minimum left side yard clearance of 15.1 feet.

A Special Permit/Finding is also requested that the enclosure and incorporation into the internal structure of the dwelling of an existing nonconforming 10.2 foot by 11.5 foot porch, with a minimum left side yard clearance of 16.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated May 24, 1999, revised May 26, 1999, drawn by Frank Iebba, Registered Professional Land Surveyor; Floor Plans and Elevations dated May, 1999, drawn by Robert Coughlin/Wilkinson; and photographs were submitted.

A letter in support of the petition, was received from Lauri S. Slawsby, 20 Tappan Road, the left side abutter.

On June 22, 1999, the Planning Board reviewed the petition and had no objection to the granting of both requests.

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.

In regard to the petition for the variance requested to construct a 7.6 foot by 10.2 foot deck with a minimum left side yard setback of 15.1 feet, the Permit Granting Authority voted unanimously at the Public Hearing to allow the petitioner's representative, Ronald Lovell, to withdraw the petition without prejudice.

In regard to the petition for a Special Permit/Finding to allow enclosure of the existing nonconforming 10.2 foot by 11.5 foot porch, with a minimum left side yard setback of 16.6 feet, it is the finding of the Special Permit Granting Authority that said enclosure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformance, nor create new nonconformity as there will be no change in the footprint.

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Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to enclose the existing nonconforming 10.2 foot by 11.5 foot porch.

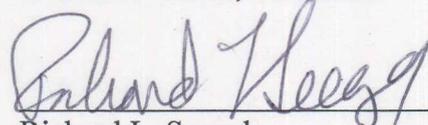
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

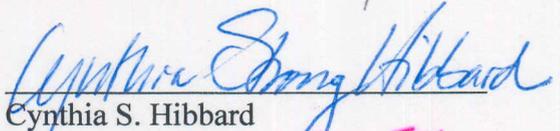
Cc: Planning Board
Inspector of Buildings



Kendall P. Bates, Chairman



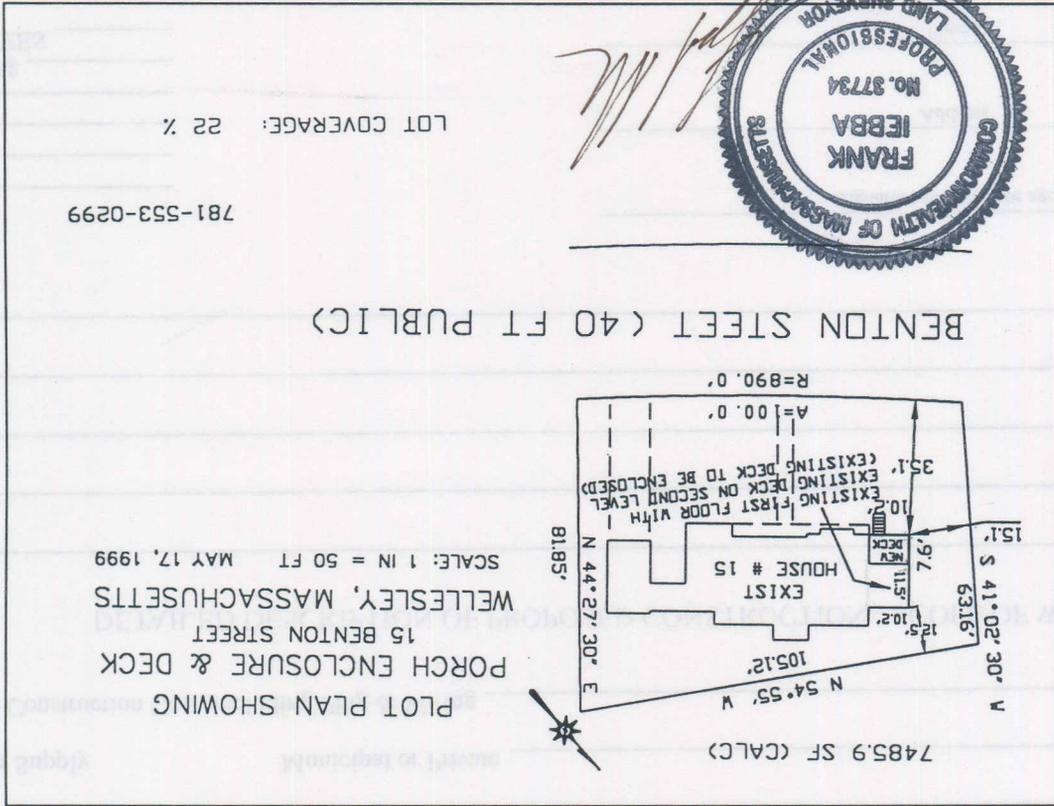
Richard L. Seegel



Cynthia S. Hibbard

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PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN



26 May 99 DATE

Frank Iebba REG. LAND SURVEYOR

781-553-0299 PO Box 620622
Newton Lower Falls

02462-0622 ADDRESS

PHONE

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1999 JUN - 1 P 12: 01

Permit No. _____

St. and No. _____

Owner _____

Architect _____

Builder _____

Permit Granted _____

19 _____

APPLICATION
FOR
BUILDING PERMIT

