

TOWN OF WELLESLEY



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WELLESLEY, MA 02482

2000 AUG 10 A 11: 25

ZONING BOARD OF APPEALS

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

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ZBA 2000-56
Petition of M. Benjamin and Janet Howe
5 Brookfield Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 27, 2000 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of M. BENJAMIN AND JANET HOWE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure and incorporation into the internal structure of the dwelling of a 14 foot by 8 foot nonconforming porch with less than the required left side yard setback, at their nonconforming dwelling with less than the required right and left side yard setbacks, at 5 BROOKFIELD ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On July 10, 2000, 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 Alison Ross, 24 Pilgrim Road, a neighbor of the Howes, who were unexpectedly detained on Martha's Vineyard due to the stormy weather. Mrs. Ross said that the porch is rotting away. The Howes would like to enclose the porch for use as a study or an office.

The Board commented that the Planning Board objected to the request, as it would create additional living space in a nonconforming portion of the lot.

Mrs. Ross said that there is a fence screening the porch, and beyond the fence, the abutter's garage was located opposite the porch. As the porch is in poor condition, the enclosure would be a betterment for the neighborhood.

The Board stated it would have no problem if the enclosure were to remain as a one-story structure. Mrs. Ross said that it was unlikely that a second story over the enclosure would be useful due to the configuration of the second floor.

The Board commented that the footprint and roof line would remain the same, and that it is single story. The Board was of the opinion that the decision should contain language that, in the future, any request for a second story addition above the reconstructed porch would not be looked upon with favor.

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Statement of Facts

2000 AUG 10 A 11: 25

The subject property is located at 5 Brookfield Road, in a Single Residence District, on a 10,099 square foot lot and has a minimum right side yard clearance of 11.5 feet and a minimum left side yard clearance of 13.9 feet.

The petitioners are requesting a Special Permit/Finding that the enclosure and incorporation into the internal structure of a 14 foot by 8 foot one-story porch, with a minimum left side yard clearance of 13.9 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

A Plot Plan dated March 21, 1996, drawn by Mark P. Ryan, Registered Professional Land Surveyor; Floor Plans and Elevations dated April, 2000, drawn by Kathleen Williams, Architect; and photographs were submitted.

On July 17, 2000, the Planning Board reviewed the petition and objected to the granting of the Special Permit, as making the screened porch enclosed living space would create new nonconforming living space which would be too great an intrusion on the right side.

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 the proposed enclosure and incorporation of the 14 foot by 8 foot one-story porch into the internal structure of the dwelling shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the existing nonconformity will not be intensified, nor will new nonconformity be created, as there will be no change in the footprint.

Although any request to add a second story above the reconstructed porch in the future would require approval by the Board of Appeals due to the nonconformity of this portion of the structure, this Authority is of the opinion that such a request should not be looked upon with favor.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the enclosure and incorporation into the internal structure of the existing nonconforming 14 foot by 8 foot porch according to 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.

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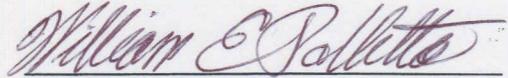
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

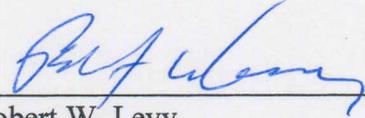
Cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman



William E. Polletta



Robert W. Levy

LOT 18

LOT 17

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2000 JUL 10 A 9:56

90.17'

30.8'

31.8'

EXIST. SCREEN
PORCH TO BE
ENCLOSED

LOT 22

109.43'

13.9'

13.9'

34.9'

No. 5

EXIST.
DECK

20.8'

6.0'

10.5'

6.7'

1.5'

24.8'

20.0'

20.3'

22.5'

11.5'

11.4'

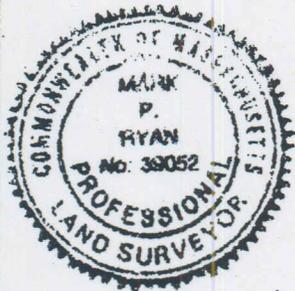
115.00'

LOT 15

LOT 21
10,099 SF

90.00'

BROOKFIELD ROAD



I hereby certify that the offsets to the existing and proposed structure are correct and that the structure does not lie within the special flood hazard area as shown on the F.I.R.M.

Mark P. Ryan 3.21.96
Professional Land Surveyor

*Plan of Land
in*

Wellesley, MA

Scale: 1"=20'

Mark P. Ryan

32 Saunders Road

Norwood, Ma

March 21, 1996