TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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ZBA 2002-16
Petition of Elliot and Patricia Pratt
23 Appleby Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 28, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ELLIOT AND PATRICIA PRATT requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure of their existing nonconforming one-story 14.2 foot by 8 foot screened porch, with less than the required right side yard setback, for use as a four-season porch, at their nonconforming dwelling with less than the required right side yard setback, at 23 APPLEBY ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. There shall be no change in the footprint.

On February 11, 2002, 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 Peter Bachman, project contractor, who was accompanied by Elliot Pratt, the property owner. Mr. Bachman said the Pratts are requesting to change the use of the screened porch to an enclosed four-season porch, which would be heated. The porch has less than the required right side yard setback. Most of the homes in the neighborhood have similar porches, which have been enclosed.

The Board decided to impose the condition that no second floor ever be built above the enclosed porch.

No other person present had any comment of the petition.

Statement of Facts

The subject property is located at 23 Appleby Road, in a 10,000 square foot Single Residence District, on a 10,500 square foot lot, and has a minimum right side yard setback of 11.7 feet.

The petitioners are requesting a Special Permit/Finding that the enclosure of an existing 14.2 foot by 6 foot one-story screened porch, with a minimum right side yard setback of 11.7 feet, for use as a heated four-season porch, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

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A Plot Plan dated January 19, 2002, drawn by Ronald J. Natoli, Registered Professional Land Surveyor; Existing and Proposed floor plans and elevations dated January 7, 2002, drawn by Molly Malloy of Randall T. Mudge & Associates; and photographs were submitted.

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On February 26, 2002, the Planning Board reviewed the petition and had no objection to the granting of this petition provided for the future, the addition remains one-story.

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 of the existing nonconforming screened porch for use as a four-season porch shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the enclosure shall neither intensify the existing nonconformance nor shall new nonconformity be created, as there will be no change in the footprint or the height of the nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of the existing nonconforming 14.2 foot by 8 foot screened porch in accordance with the submitted plot plan and construction drawings, and further subject to the condition that no second story shall ever be built above the existing enclosed porch.

The Inspector of Building 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.

Kendall P. Bates
Kendall P. Bates, Chairman

Richard L. Seegel
Richard L. Seegel

J. Randolph Becker
J. Randolph Becker

Cc: Planning Board
Inspector of Buildings
edg

OK 1/23/02 EGP

AS BUILT CERTIFICATION FORM

Building Permit No. 33693

Street Appleby Road No. 23

Builder Custom Designs Inc

Address 16 Old Conn. Path, Wayland

Owner Elliot & Trisha Pratt

Address 23 Appleby Road Wellesley

Building dimensions

Distances:

Adjoining Bldgs. —

Front Yard 32.1 Rear Yard 33.1

Side Yard 21.0 / 20.5 Side Yard 47.0

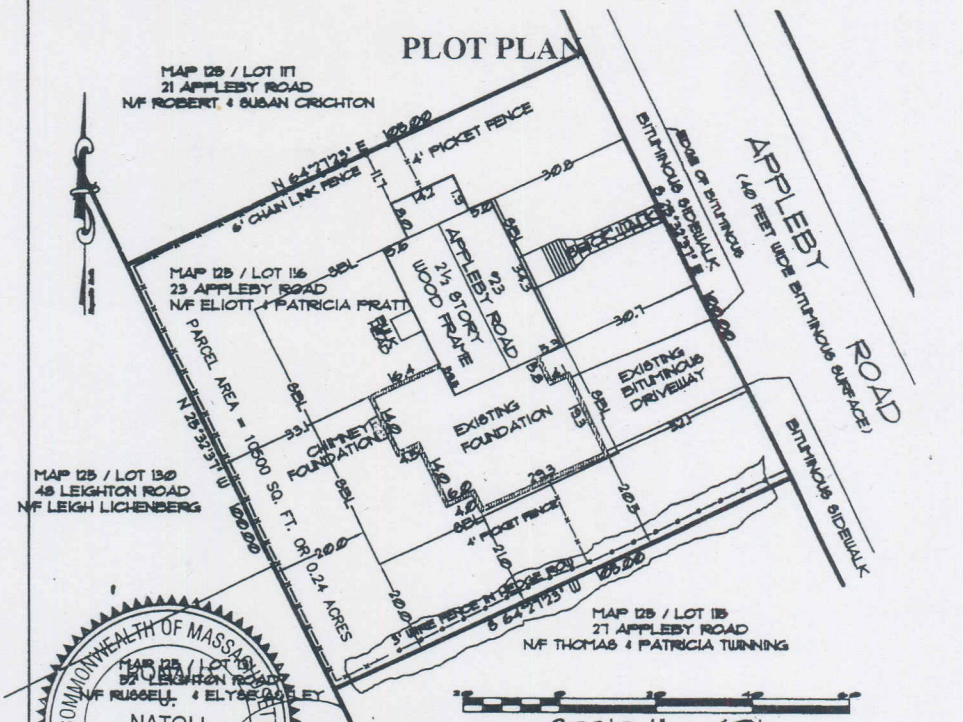
Area of Lot 10,500 SQ.FT.

LOT COVER - 18.8%

TO BE COMPLETED IN DUPLICATE

ORIGINAL

PLOT PLAN



COMMONWEALTH OF MASSACHUSETTS
NATOLI
No. 30760
REGISTERED PROFESSIONAL LAND SURVEYOR

FOR BUILDING DEPARTMENT USE ONLY

Stamped & Signed By

Reg. Land Surveyor or Civil Engineer

Date 1/8/02 Address 170 High St
Candia, N.H. 03034

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