

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 99-78

Petition of William J. and Mary A. Borkovitz

36 Leighton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 21, 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 WILLIAM J. AND MARY A. BORKOVITZ requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure and incorporation of an existing one-story 20.3 foot by 7.7 foot nonconforming screened porch, with less than the required right side yard setback, into the internal structure of their nonconforming dwelling with less than the required left, right and front yard setbacks, at 36 LEIGHTON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 4, 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 were William and Mary Borkovitz. Mrs. Borkovitz said that they would like to enclose the screened porch, which should have been enclosed in 1971. The prior owners had received a variance at that time, but the enclosure was never done. There is an existing second story over the porch. The enclosed porch would be used as a breakfast room and a mud room.

The Board noted that the Planning Board had no objection to the request.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 36 Leighton Road, in a Single Residence District, on an 8,925 square foot lot, and has a minimum left side yard clearance of 16.97, a minimum front yard clearance of 25.84, and a minimum right side yard clearance of 17.95.

The petitioners are requesting a Special Permit/Finding that the enclosure and incorporation into the internal structure of the dwelling of a 20.3 foot by 7.7 foot screened porch, with a minimum right side yard clearance of 18.03 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Plot Plan dated July 10, 1971, drawn by Alexander Crucioli, Registered Land Surveyor; Floor Plans and Elevations dated September 28, 1999, drawn by Ken Nazaviene, and photographs were submitted.

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On October 19, 1999, the Planning Board reviewed the petition and no objection to the granting of the request as there is no change in the footprint.

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 enclosure and incorporation into the existing structure of the 20.3 foot by 7.7 foot screened porch will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as there will be no intensification of the existing nonconformance, nor will new nonconformance be created as there will be no change in the footprint.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of the existing 20.3 foot by 7.7 porch and incorporation into the internal structure of the dwelling 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

Kendall P. Bates, Chairman

Richard L. Seegel

Richard L. Seegel

Cynthia S. Hibbard

Cynthia S. Hibbard

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