



## ZONING BOARD OF APPEALS

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

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ZBA 2004-57  
 Petition of Michael Chaffers and Renee Jones  
 14 Cunningham Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 9, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHAEL CHAFFERS AND RENEE JONES, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 8.3 foot by 13.3 foot front porch overhang with less than the required front yard setback at 14 CUNNINGHAM ROAD, with less than required front yard setback in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 23, 2004, the petitioner 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 Michael Chaffers and Renee Jones. Mr. Chaffers and Ms. Jones said that they were in the process of completing an addition on the side and the rear of their home and they would like to extend the existing nonconforming roof over the porch.

The Board asked for clarification of the dimensions of a bay window.

The Board asked if there would be a gutter and downspout on the roof. Ms. Jones said that there would be a gutter and downspout.

Susan Treut, 15 Cunningham Road, said that Ms. Jones and Mr. Chaffers were very conscientious about advising the neighbors of the proposed work and that she supported the petition.

Tracy McQueen, 11 Cunningham Road, said that the petitioners had shown her the plans and she supported them, as well as several neighbors she had spoken with who are out of town.

The Board noted that the Planning Board had no objections to granting the request.

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Statement of Facts

The subject property is located at 14 Cunningham Road, in a 10,000 square foot Single Residence District, and has a minimum front yard setback of 26.3 feet.

The petitioners are requesting a Special Permit/Finding that construction of an 8.3 foot by 13.3 foot front porch overhang, with a minimum front yard setback of 26.3 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/18/04, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings prepared by Paul Lukez Architecture, and photographs were submitted.

On August 31, 2004, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

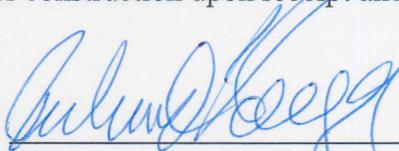
This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

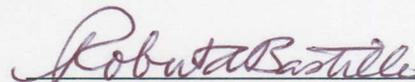
It is the finding of this Authority that the construction of an 8.3 foot by 13.3 foot front porch overhang with a minimum front yard setback of 26.3 feet, shall not be substantially more detrimental to the neighborhood, as the porch overhang shall neither intensify the existing nonconformance, nor shall it create a new nonconformity as the front yard setback shall remain the same.

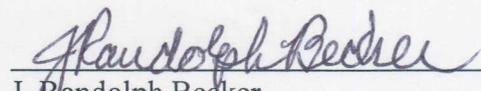
Therefore, a Special Permit is granted, as voted unanimously by this Authority, for the construction of an 8.3 foot by 13.3 foot porch overhang in accordance with the submitted plot plan and construction drawings.

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.

  
Richard L. Seegel, Chairman

  
Robert A. Bastille

  
J. Randolph Becker

Cc: Planning Board  
Inspector of Buildings  
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