TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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

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ZBA 2000-7
Petition of Richard and Victoria Herring
80 Donizetti Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 19, 2000 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of RICHARD AND VICTORIA HERRING requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a one-story 38.5 foot by 8 foot roofed porch with less than the required left and right side yard setbacks, at their nonconforming dwelling with less than the required left and right side yard setbacks, at 80 DONIZETTI STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 3, 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 Richard Herring, who said that they would like to add a farmer's porch to the front of their home, similar to other porches on the street.

The Board asked how much space would remain between the front of the house and the driveway. Mr. Herring replied that the porch will be about 8 feet from the driveway. They are planning to remove the existing landscaping in the front and replant it in front of the proposed porch.

The Board asked if the porch would be an open porch. Mr. Herring said that the porch would be open. There would be no rails or screening.

The Board noted that the Planning Board had no objection to the request, provided that the porch is not incorporated into the house as a four-season living space. The Board agreed that this would be a condition in its decision.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 80 Donizetti Street, in a Single Residence District, on a 15,062 square foot lot, and has a minimum left side yard clearance of 19 feet and a minimum right side yard clearance of 17.5 feet.

ZBA 2000-7
Petition of Richard and Victoria Herring
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The petitioners are requesting a Special Permit/Finding that the construction of an 8 foot by 38.5 foot roofed front porch, with a minimum left side yard clearance of 19 feet and a minimum right side yard clearance of 17.5 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated October 26, 1999, revised November 8, 1999, drawn by Bruce Bradford, Registered Professional Land Surveyor; Floor Plans and Elevations dated October 27, 1999, drawn by Blue Mood Design; and photographs were submitted.

On January 18, 2000, the Planning Board reviewed the petition and had no objection to the granting of the request provided the porch is not incorporated into the house as four-season living space.

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 aforesaid Statement of Facts.

It is the finding of this Authority that construction of the proposed 8 foot by 38.5 foot roofed front porch will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance, nor will it create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct said porch in accordance with the submitted plot plan and construction plans, and further subject to the following condition:

The 8 foot by 38.5 foot roofed porch, allowed by this Special Permit, shall never be enclosed and incorporated as four season living space into the internal structure of the dwelling.

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.

Kendall P. Bates, Chairman

William E. Polletta

Richard L. Seegel

Cc: Planning Board
Inspector of Buildings
edg

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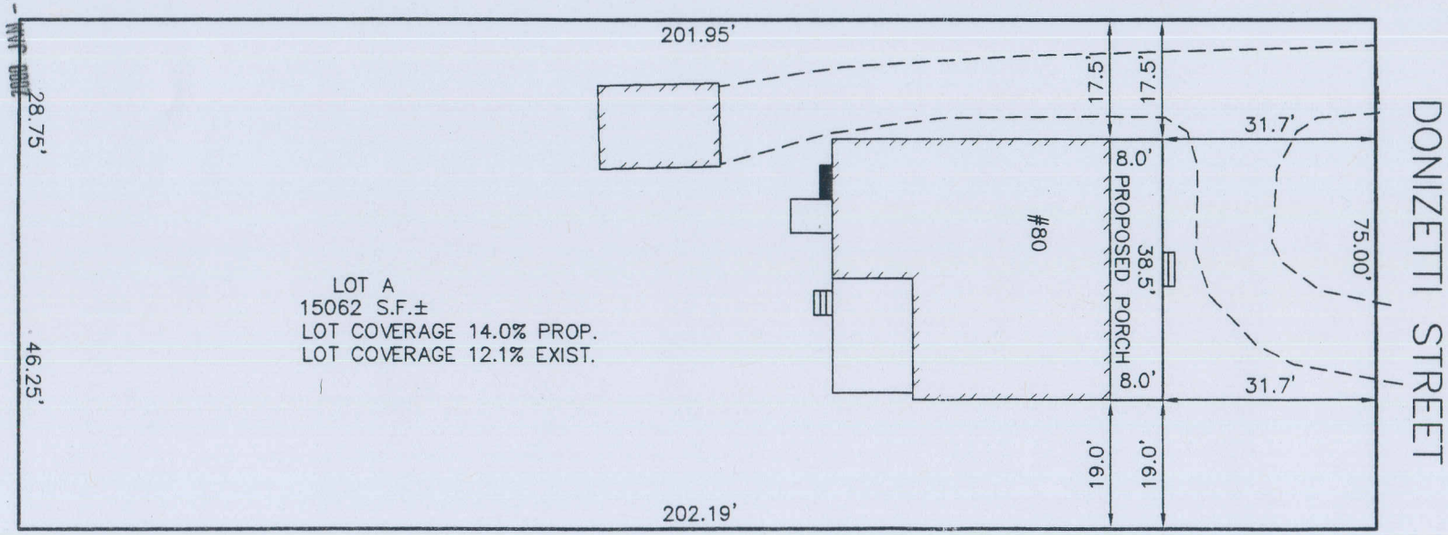
PLAN OF LAND IN WELLESLEY, MA.

#80 DONIZETTI STREET

SCALE 1 IN.= 20 FT
OCTOBER 26, 1999
REVISED NOV. 8, 1999



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