

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

2000 AUG 10 A 11: 26

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ZBA 2000-58
Petition of Thomas E. and Deborah C. Dolan
9 Sumner 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 THOMAS E. AND DEBORAH C. DOLAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required right side yard setback, at 9 SUMNER ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition and reconstruction of second floor 15 foot by 16 foot area including raising the ridge line of the roof 7.5 feet above this area with less than the required right side yard setback. There will be no change in the footprint.
2. Construction of a 4 foot by 14 foot entry porch with less than the required right side yard setback.

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 Michael Collins, project architect, who represented the Dolans, who were not present due to a prior family commitment. Mr. Collins said that the reconstruction of the described portion of the second floor will not increase the nonconformity. The only change will be that the existing roof will be raised to obtain additional head room to make that space a habitable bedroom. The proposed porch has been set back an additional foot and is less nonconforming than the existing house.

The Board commented that the Planning Board had no objection to either the second story reconstruction or the porch.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 9 Sumner Road, in a Single Residence District, on a 27,982 square foot lot, and has a minimum right side yard clearance of 16.3 feet.

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The petitioners are requesting a Special Permit/Finding that the reconstruction of a 15 foot by 16 foot nonconforming portion of the second floor with a minimum right side yard setback of 16.7 feet, including raising the ridge line of the roof 7.5 feet; and the construction of a 4 foot by 14 foot rear entry porch, with a minimum right side yard setback of 18.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated June 8, 2000, drawn by Terrence M. Ryan, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 5/16/00, drawn by D. Michael Collins, Architect; and photographs were submitted.

On July 17, 2000, the Planning Board reviewed the petition and no objection to the second floor reconstruction or the construction of the entry porch.

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 neither the reconstruction of the 15 foot by 16 foot portion of the second story nor the construction of the 4 foot by 14 foot entry porch shall be substantially more detrimental to the neighborhood than the existing nonconforming structure as neither project will intensify the existing nonconformance nor will either project create new nonconformity. There will be no change in the footprint due to the second story reconstruction; and the entry porch will be less nonconforming than the existing structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for both the reconstruction of the second story and construction of the entry porch in accordance with the submitted plot plan and construction drawings.

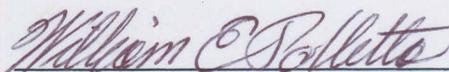
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

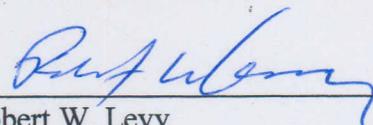
Cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Chairman



William E. Polletta



Robert W. Levy

