

TOWN OF WELLESLEY



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WELLESLEY, MA 02482

2001 APR 13 A 8:05

ZONING BOARD OF APPEALS

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

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ZBA 2001-14  
Petition of Alan H. Simon and Diana Seder  
42 Temple Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 29, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ALAN H. SIMON AND DIANA SEDER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure and incorporation into the internal structure of an existing nonconforming 11.5 foot by 18 foot one-story porch, with less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback at 42 TEMPLE ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On March 12, 2001, 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 Diana Seder, who said they have an existing open porch which has a roof and a foundation. They would like to install walls, windows and a sliding door to the back yard.

The Board asked if a bay window would be added, and if so, what the depth was. Ms. Seder said she understood that a bay window could be allowed if it was two feet or less in depth. They will make certain it is not more than two feet deep. The Board stated that this would be a condition of approval.

The Board noted that the Planning Board had no objection to the request, provided it remain one story. This will be a condition of the approval

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 42 Temple Street, in a Single Residence District, on a 26,709 square foot lot, with a minimum left side yard setback of 12.7 feet.

The petitioners are requesting a Special Permit/Finding that the enclosure of their one-story 11.5 foot by 18 foot porch, with a minimum left side yard setback of 12.7 feet, and incorporation of said porch into the internal structure of the dwelling, 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 June 16, 2000, drawn by James Bougioukas, Registered Land Surveyor, Elevations and a floor plan dated 2/7/01, drawn by Zaldastani Associates, Inc.; and photographs were submitted.

On March 20, 2001, the Planning Board reviewed the petition and had no objection to the granting of the request provided it remained one-story.

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 proposed enclosure of the 11.5 foot by 18 foot porch, with less than the required left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the enclosure will neither intensify the existing nonconformance, nor will it create new nonconformity as there will be no change in the footprint.

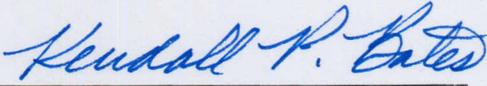
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the enclosure of said porch in accordance with the submitted plot plan and drawings, and further subject to the following conditions:

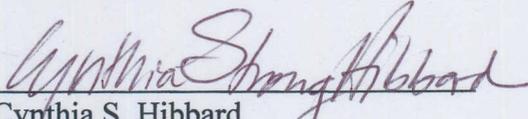
1. The proposed bay window shall have a depth no greater than 2 feet.
2. The one-story enclosed porch shall remain a one-story structure.

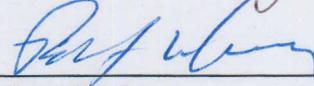
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

  
Cynthia S. Hibbard

  
Robert W. Levy

# REFERENCES

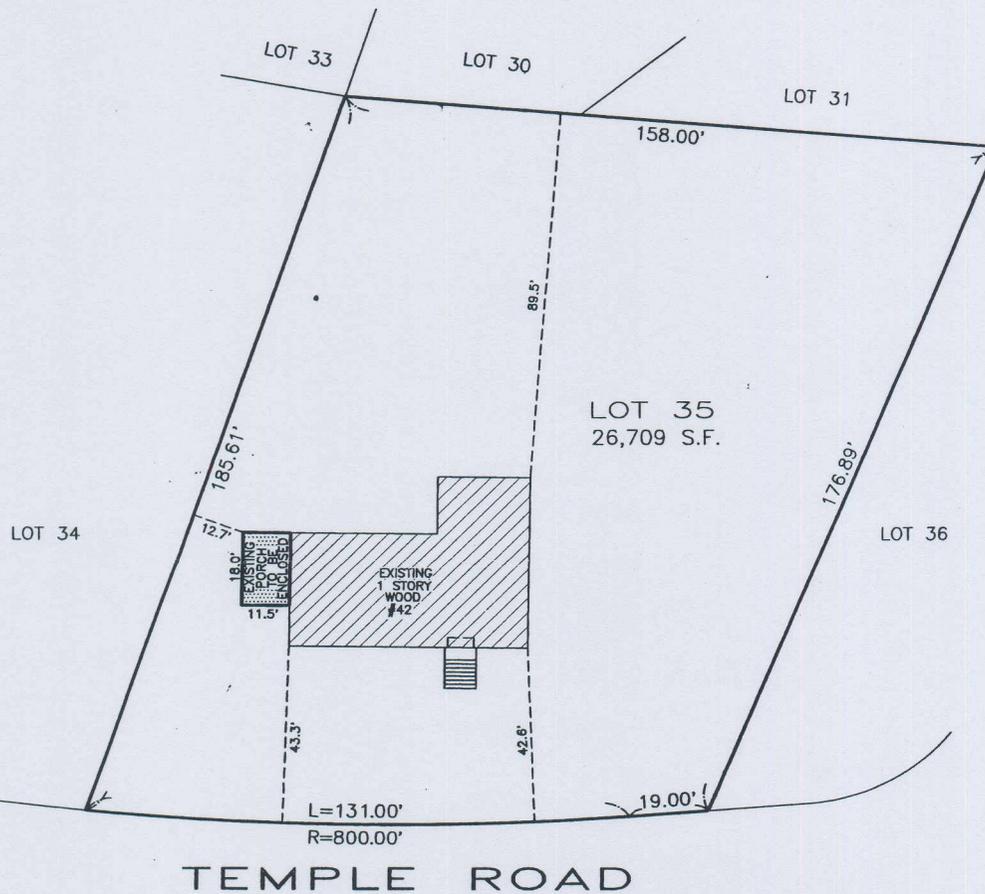
NORFOLK REGISTRY OF DEEDS:  
 DEED BOOK 3701, PAGE 289.  
 PLAN BOOK 126, PAGE 361.

ASSESSOR'S  
 MAP 101  
 PARCEL 21

ZONING: SINGLE RESIDENCE

TOWN OF WELLESLEY, MA.  
 BOARD OF APPEALS  
 APPROVED

DATE



TOTAL AREA	=	26,709 S.F.	100%
AREA OF EXIST. BUILD.	=	1,914 S.F.	7.2%
AREA OF PORCH	=	207 S.F.	0.8%
OPEN SPACE	=	24,588 S.F.	92.1%

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 2001 MAR 12 A 10:04

## PLAN OF LAND IN WELLESLEY, MA. NO. 42 TEMPLE ROAD

JAMES W. BONGOUKAS  
 REGISTERED LAND SURVEYOR  
 C. K. 20

OWNER/APPLICANT: ALAN SIMON & DIANA SEDER  
 ZONING: RESIDENCE

### FOR VARIANCE

DESIGNED:	FIELD: BRM	<b>BRADFORD ENGINEERING CO.</b> 3 WASHINGTON SQ. HAVERHILL MA. 01830	SHEET 1 of 1	
DRAWN: A.H.O.			REVISIONS	BY
CHECKED: WJB				
APPROVED: JWB				
SCALE: 1" = 30'	PHONE: (978) 373-2396	FAX: (978) 373-8021	E-MAIL: BRADFORD_ENGR@WORLDNET.ATT.NET	
DATE: JUNE 16, 2000	FILE NAME: PERMIT\WEL61600.DWG	FILE NO: 82503		