

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS

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

2001 JUN 5 A 8:23

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ZBA 2001-35

Petition of Lana Bornstein and Richard Lifszitz  
54 Hundreds Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 24, 2001 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of LANA BORNSTEIN and RICHARD LIFSITZ 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 their dwelling, of their nonconforming 9 foot by 18.3 foot porch, with less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback, at 54 HUNDREDS 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 May 7, 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 Richard Lifszitz, who said they would like to weatherize the porch. There will be no change in the footprint. Due to the construction of the mammoth house next door, which is overwhelming on the porch side, they no longer wish to sit outside on the porch.

The Board noted that the Planning Board had no objection to the Special Permit, but recommended that no second floor be constructed over the enclosed porch, and that this would be a condition of the Special Permit.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 54 Hundreds Road on a 13,460 square foot lot in a Single Residence District, and has a minimum right side yard clearance of 9.8 feet.

The petitioners are requesting a Special Permit/Finding that the enclosure and incorporation into the internal structure of their nonconforming dwelling of a 9 foot by 18.3 foot one-story porch with a minimum right side yard setback of 9.8 feet, 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 5/2/01, stamped by Todd P. Chapin, Registered Land Surveyor; Existing Floor Plan drawn by M.N. Tallino; Proposed Floor Plan and Existing and Proposed Elevations, drawn by John T. McNamara, Jr.; and photographs were submitted.

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On May 15, 2001, the Planning Board reviewed the petition and had no objection to the granting of the request, but felt that there should be no second floor in the future.

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 proposed enclosure of the existing nonconforming one-story 9 foot by 18.3 foot porch, with a minimum right side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming open porch as the enclosure will neither intensify the existing nonconformance nor will it create new nonconformity as there will be no change in the footprint.

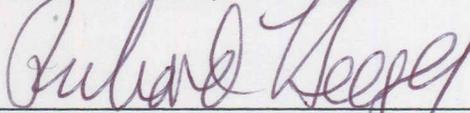
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to enclose the 9 foot by 18.3 foot nonconforming porch in accordance with the submitted plot plan and construction drawings subject to the condition that no second story be constructed above the enclosed porch in the future.

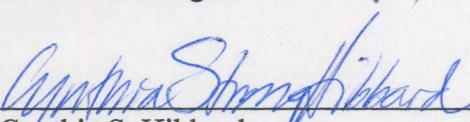
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

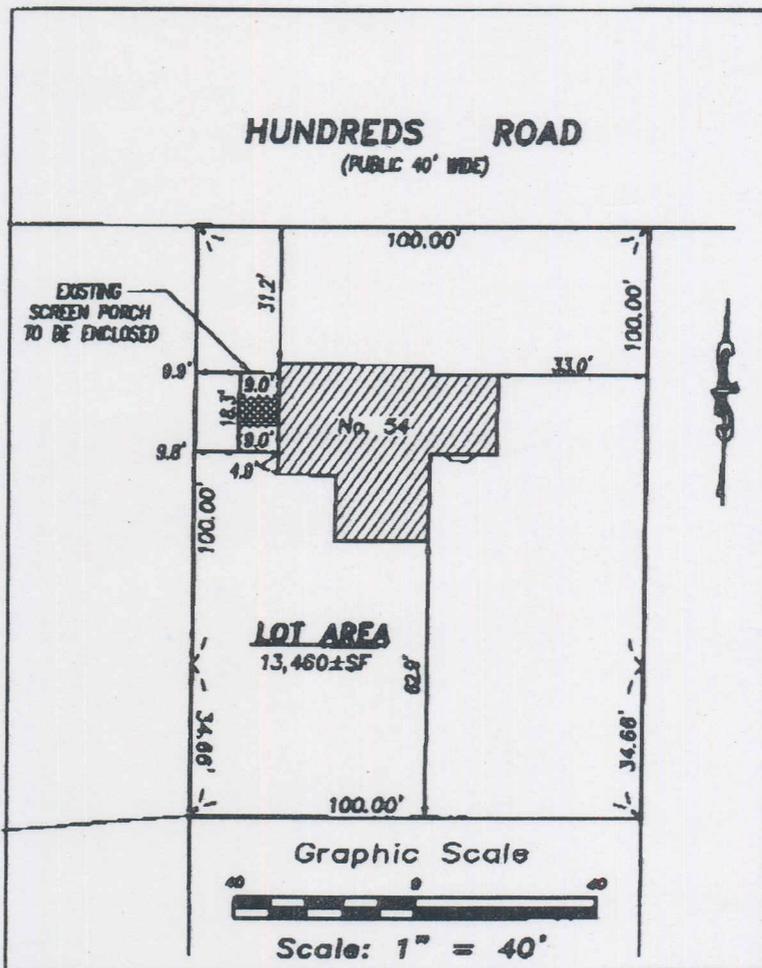
  
Richard L. Seegel

  
Cynthia S. Hibbard

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PROPOSED CONSTRUCTION  
CERTIFIED PLOT PLAN



5/2/01  
DATE

508-485-0500

PHONE

Todd P. Chapin  
REG. LAND SURVEYOR  
The Jillson Company, Inc.  
54 Central St.  
Fayville, MA 01745

ADDRESS