

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ZBA 2001-73

Petition of David S. Kennedy and Jean Garrity
11 Benton Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 13, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DAVID S. KENNEDY AND JEAN GARRITY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their 20.7 foot by 11.3 foot screened porch and reconstruction of an enclosed porch with the same dimensions, with less than the required front yard setback, at their nonconforming dwelling, with less than the required front and right side yard setbacks, at 11 BENTON STREET, 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 August 27, 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 Jean Garrity, who said they are requesting that their screened porch, which has significant water damage, be replaced with an enclosed structure of the same dimensions.

The Board noted that a letter in support of the petition had been received from the rear abutter, Ellen Staelin, 14 Tappan Road.

Mike Malincamp, 18 Tappan Road, expressed support for the petition.

Statement of Facts

The subject property is located at 11 Benton Street, in a Single Residence District, on a 9,731 square foot lot and has a minimum front setback of 24.2 feet and a minimum right side yard setback of 13.6 feet

The petitioners are requesting a Special Permit/Finding that the demolition and reconstruction of their nonconforming 11.3 foot by 20.7 foot front porch, with a minimum front yard setback of 28.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Plot Plan dated 8/21/01, drawn by Alexander Zaleski, Registered Professional Land Surveyor; Floor Plans and Elevations dated 8/21/01, drawn by Stephen S. Harris; and photographs were submitted.

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On September 4, 2001, 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 proposed demolition and reconstruction/enclosure of the nonconforming 11.3 foot by 20.7 foot screened porch shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as there will be no intensification of the nonconformity, nor will new nonconformity be created.

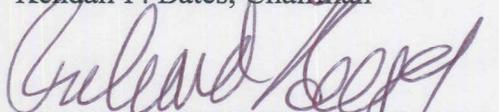
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to demolish, reconstruct and enclose the 11.3 foot by 20.7 foot front porch in accordance with the submitted plot plan and construction drawings.

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

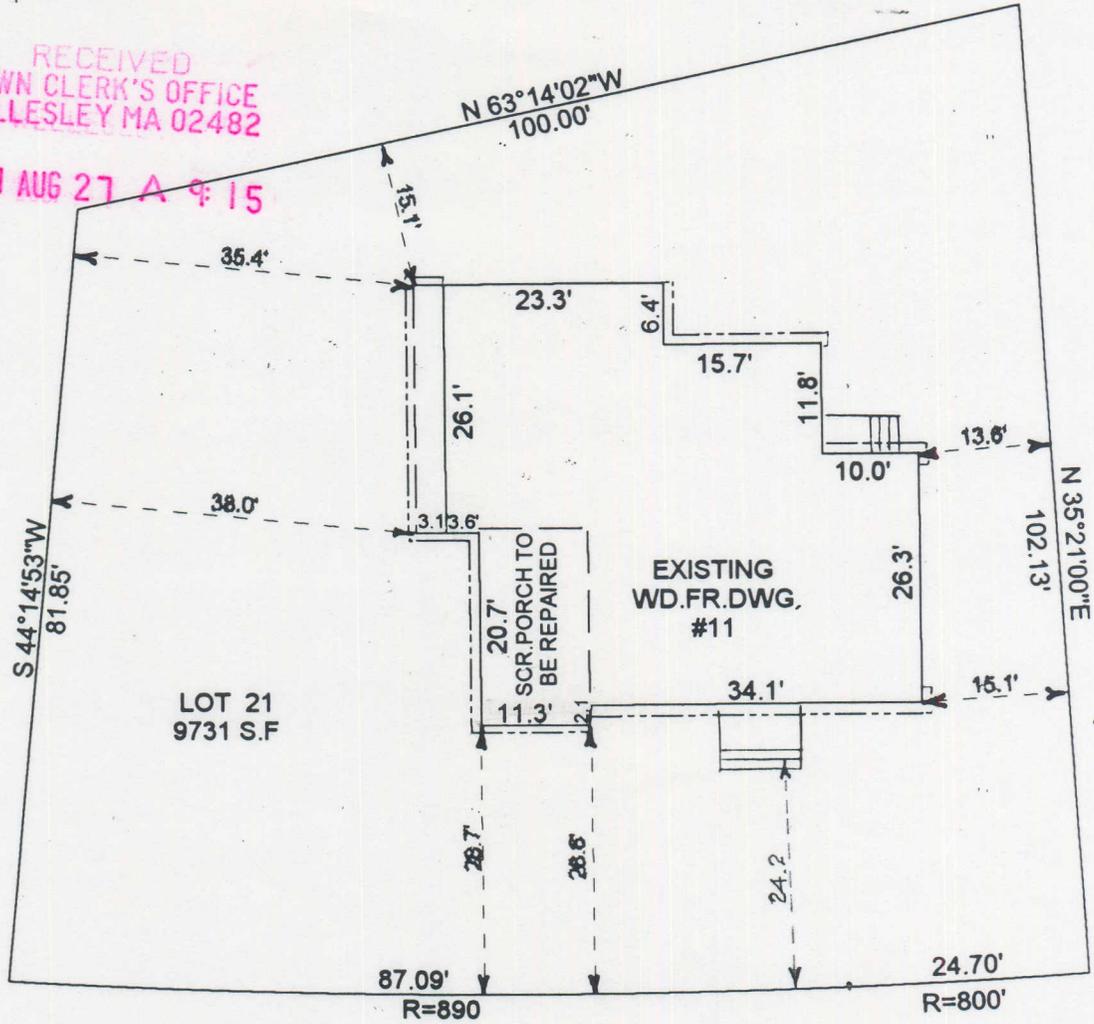

Richard L. Seegel


Robert A. Bastille

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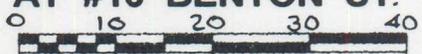
BENTON ST.

EXIST. FOOTPRINT: 1931 SQ.FT.
COVERAGE: 1931/9731= 19.8%
NO CHANGE IS PROPOSED.

BASED ON AN INSTRUMENT SURVEY AND ON PLANS AND DEEDS OF RECORD, I HEREBY CERTIFY THAT THE LOCATION AND DIMENSIONS OF THE EXISTING HOUSE ARE AS SHOWN HEREON, INCLUDING THE SCREENED PORCH TO BE REBUILT TO THE SAME DIMENSIONS AND IN EXACTLY THE SAME LOCATION.



PLAN OF LAND IN WELLESLEY, MASS AT #16 BENTON ST.



SCALE 1"=20' DATE: 8.21.2001
ALEXANDER ZALESKI, PLS
248 MARKED TREE RD.
NEEDHAM, MA 02492

8.21.2001 *Alexander V. Zaleski*
REG.PROF. LAND SURVEYOR

OWNER: JEAN GARRITY & DAVID KENNEDY *arz*