

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2003-1  
Petition of John and Margaret Ryan  
6 Upwey Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 16, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley on the petition of JOHN AND MARGARET RYAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure of an existing nonconforming 9.9 foot by 14.4 foot porch with less than the required left side yard setback, at their nonconforming dwelling with less than the required left and right side yard setbacks, at 6 UPWEY ROAD, in a 10,000 square foot 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 December 23, 2002, 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 John Ryan, who said they had moved into their home four months ago, and had intended to enclose the existing porch. The plans they received showed a hedge between their property and their abutting neighbor, which is more than 20 feet from the existing porch. Subsequently, they discovered that the hedge was not the lot line, and that the porch was actually 19.1 feet from the left side lot line rather than the required 20 feet. They simply want to enclose the porch.

The Board noted that the Planning Board had no objection to granting the Special Permit, provided that at no time would a second floor be added above the porch. Mr. Ryan had no objection to that condition.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 6 Upwey Road on a 16,540 square foot lot in a 10,000 square foot Single Residence District, and has a minimum right side yard setback of 17.2 feet and a minimum left side yard setback of 19.1 feet.

The petitioners are requesting a Special Permit/Finding that the enclosure of their 14.4 foot by 9.9 foot existing porch, which has a minimum left side yard setback of 19.1 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 8/19/02, stamped by Henry E. Thomas, Jr., Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated November 30, 2002, signed by Christian Ryan; and photographs were submitted.

On January 7, 2003, the Planning Board reviewed the petition, and had no objection to granting the Special Permit provided that at no time should a second floor be added above it.

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.

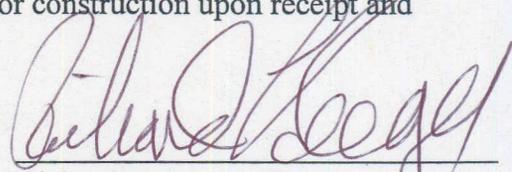
It is the finding of this Authority that the proposed enclosure of the 14.4 foot by 9.9 foot one story porch shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the existing nonconformance will not be intensified, nor will new nonconformity be created.

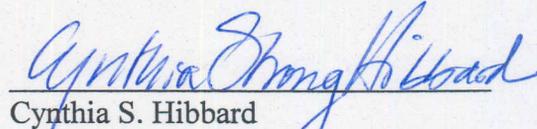
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to enclose the nonconforming one story 9.9 foot by 14.4 foot porch in accordance with the submitted plot plan and construction plans, subject to the condition that at no time shall a second story be added above the existing enclosed porch.

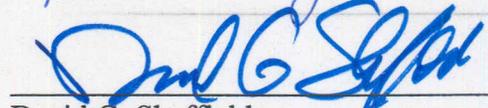
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

  
Richard L. Seegel, Chairman

  
Cynthia S. Hibbard

  
David G. Sheffield

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