



ZONING BOARD OF APPEALS

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

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ZBA 2003-82
 Petition of John and Kimberly Benzan
39 Halsey Avenue

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 9, 2003 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 JOHN AND KIMBERLY BENZAN 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 39 HALSEY AVENUE, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A 5.5 foot by 16 foot one-story porch
2. An 8.2 foot by 16 foot two-story addition.
3. Raising the ridgeline of the roof 15 feet above the existing 16.7 foot by 23.2 foot living room to accommodate a second story addition with the same dimensions.

All three additions shall have less than the required right side yard setback.

On September 18, 2003, 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 were John and Kimberly Benzan. Mrs. Benzan said that currently they live in a two bedroom cape, with one bedroom on the first floor. Their two children share a bedroom on the second floor. They would like to add two more bedrooms on the second floor. They do not have a garage, as a prior owner converted the garage to a family room.

The Board asked where the cars are parked. Mrs. Benzan said they are parked in the driveway.

The Board noted that the Planning Board had no objection to granting the request.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 39 Halsey Avenue, in a 10,000 square foot Single Residence District, on a 10,809 square foot lot, and has a minimum right side yard setback of 18.2 feet.

The petitioners are requesting a Special Permit/Finding that the following construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. A 5.5 foot by 16 foot one-story porch with a minimum right side setback of 19.2 feet.

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Petition of John and Kimberly Benzan

39 Halsey Avenue

- 2. An 8.2 foot by 16 foot two-story addition with a minimum right side setback of 18.9 feet
- 3. Raising the ridgeline of the roof 15 feet above the existing 16.7 foot by 23.2 foot living room to accommodate a second story addition with the same dimensions and a minimum right side setback of 18.2 feet.

A Plot Plan dated 9/15/03, stamped by Lawrence Ducharme, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 9/11/03, prepared by Campea Custom Designs; and photographs were submitted.

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 Fact.

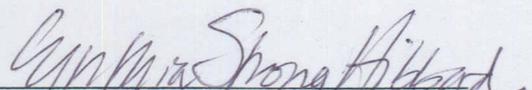
It is the finding of this Authority that the construction of the 5.5 foot by 16 foot one-story porch with a minimum right side setback of 19.2 feet; the 8.2 foot by 16 foot two-story addition with a minimum right side setback of 18.9 feet; and raising the ridgeline of the roof 15 feet above the existing 16.7 foot by 23.2 foot living room to accommodate a second story addition with the same dimensions and a minimum right side setback of 18.2 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the additions shall neither intensify the existing nonconformance nor create new nonconformity.

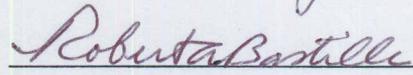
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the three additions in accordance with the submitted plot plan and construction drawings.

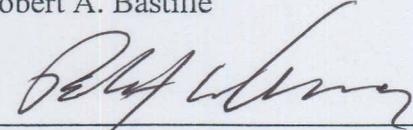
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Cynthia S. Hibbard, Acting Chairman


Robert A. Bastille


Robert W. Levy

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AREA DISTRICT 10,000 SQ. FT.

EXISTING PERCENTAGE OF LOT COVERAGE = 12%
 PROPOSED PERCENTAGE OF LOT COVERAGE = 17%
 EXISTING & PROP COVERAGE
 = 1,827.84 SQ. FT. ±

LEGEND

- ← 18.2' → EXISTING
- ← 18.2' → PROPOSED
- IR(f) IRON ROD FOUND

EXISTING SHED
 106.09 SQ. FT. ±

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 LOT 73

PROPOSED ADDITION
 131.20 SQ. FT. ±

LOT AREA
 10,809 SQ. FT. ±

EXISTING DWELLING #39
 1175.86 SQ. FT. ±

PROPOSED DECK
 88.00 SQ. FT. ±

PATTON ROAD
 (PUBLIC WAY 40' WIDTH)
 R=1412.50'
 A=77.39'

HALSEY ROAD
 (PUBLIC WAY 40' WIDTH)
 R=1268.00'
 A=80.69'



I CERTIFY THAT THE BUILDINGS ON THIS PROPERTY ARE LOCATED ON THE GROUND AS SHOWN ABOVE.

9/15/03

FIGURE 2 - SITE PLAN

DESIGN BY:	DRAWN BY: JWF 9-8-03	CHECKED BY: LJD 9-15-03
DRAWING SCALE: 1" = 20'	PREPARED FOR: KIMBERLY BENZAN 39 HALSEY AVENUE WELLESLEY, MA. 02482	
1092 MAIN STREET, P.O. BOX 428, BOLTON, MA., 01740		
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SHEET 1 OF 1		J.N. 3849

