



ZONING BOARD OF APPEALS

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

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ZBA 2003-84
 Petition of Joyce Enos
10 Martin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 6, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOYCE ENOS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 10 foot by 19 foot second story addition above an existing nonconforming porch with the same dimensions and less than the required right side yard setback, at her nonconforming dwelling with less than the required left and right side yard setbacks, at 10 MARTIN 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 shall be no change in the footprint.

On October 20, 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 was Joyce Enos, who was accompanied by her architect, Timothy Burke. Mr. Burke submitted additional photographs of the dwelling. He said Ms. Enos was seeking permission to build a master bedroom suite above the porch. The house has a small footprint, which would not change. The abutting neighbors have been involved in the design process. Mr. Burke submitted a letter supporting the petition from the neighbors, Sharon and Michael Kiernan, 12 Martin Road.

The Board noted that the plans show a bay on the first floor, and asked the depth of the bay. The right side yard setback is 10.1 feet. The abutting house is very close to the shared lot line, and the bay encroaches into that space.

Mr. Burke said the bay has a depth of 1 foot 10 inches. It was designed because the space is narrow, and the bay would provide the best solution to the problem. The house is on an angle, and moves away from the lot line. There would be no foundation beneath the bay.

The Board commented that there are many houses in the neighborhood that are close to lot lines and have second story additions above porches or garages. In this instance, the abutting neighbors support the petition.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 10 Martin Road, in a 10,000 square foot Single Residence District, on an 8,707 square foot lot, and has a minimum left side yard setback of 11.5 feet and a minimum right side yard setback of 10.1 feet.

The petitioner is requesting a Special Permit/Finding that the construction of a 10 foot by 19 foot second story addition above an existing nonconforming 10 foot by 19 foot porch, with a minimum right side yard setback of 10.1 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint. A 9.5 foot by 1 foot 10 inch bay shall be constructed on the right side of the existing nonconforming porch.

A Plot Plan dated October 1, 2003, stamped by Michael P. Antonino, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 10/9/03, prepared by Timothy Burke, Architect; and photographs were submitted.

On November 4, 2003, The Planning Board reviewed the petition, and had no objection to granting 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 10 foot by 19 foot second story addition, with a minimum right side yard setback of 10.1 feet, and the 9.5 foot by 1 foot 10 inch bay, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the bay is an allowed structure, and the second story addition shall neither intensify the existing nonconformance nor create new nonconformity, as there shall be no change in the footprint of the existing porch.

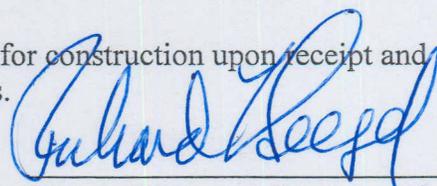
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the second story addition and bay in accordance with the submitted plot plan and construction drawings.

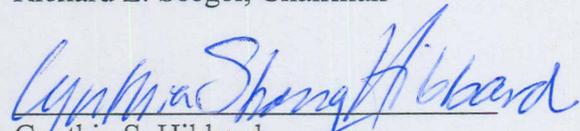
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

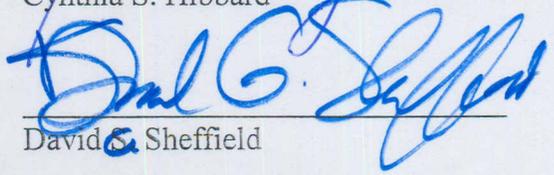
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Building
edg

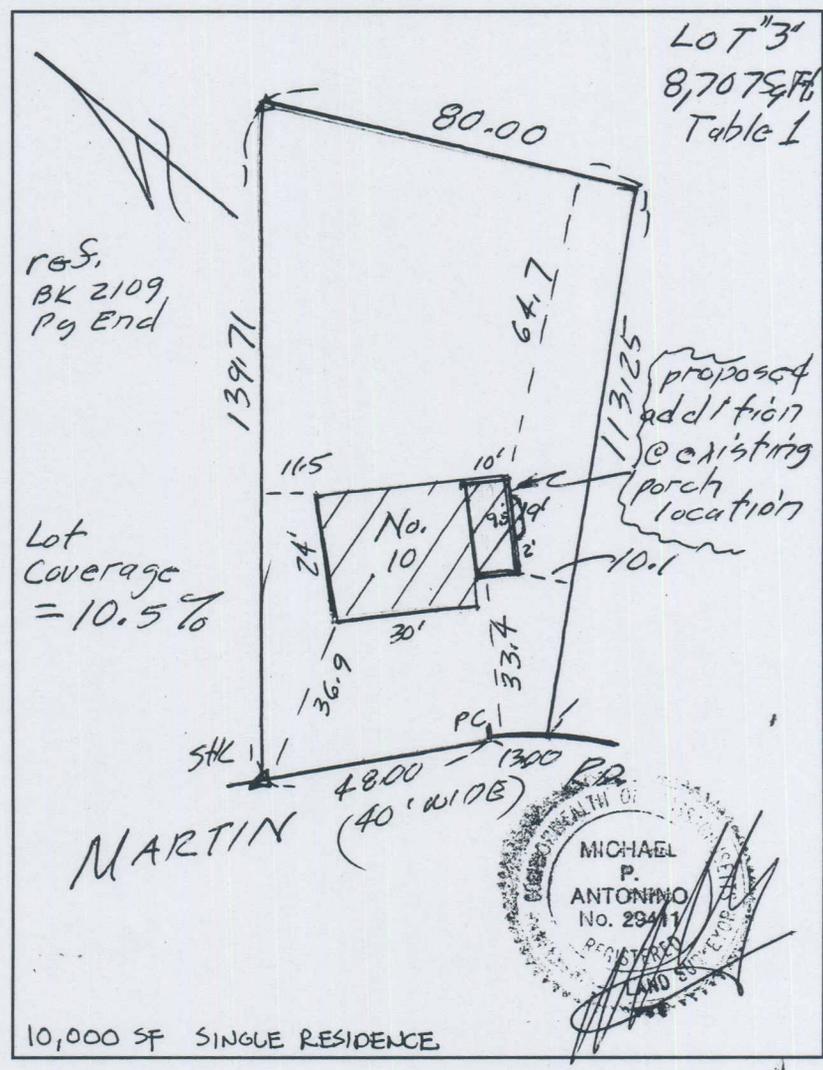
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Richard L. Seegel, Chairman


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 PROPOSED CONSTRUCTION
 CERTIFIED PLOT PLAN
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Oct. 1, 2003
 DATE

MICHAEL P. ANTONINO
 REG. LAND SURVEYOR

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