

TOWN OF WELLESLEY



MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

2004 SEP 10 10:50

ZONING BOARD OF APPEALS

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A BASTILLE
J. RANDOLPH BECKER
ROBERT W. LEVY

ZBA 2004-53

Petition of John and Wendy Schoenfeld
47 Martin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 12, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOHN AND WENDY SCHOENFELD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of the existing nonconforming 13.30 foot by 8.41 foot porch, with less than the required right side yard setback, at their nonconforming dwelling with less than the required right side and front yard setbacks, at 47 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.

On July 26, 2004, 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 Schoenfeld, who said that he had wanted to enclose the existing slab on grade screened porch by installing windows and a door, and finishing the outside of the walls with cedar shingles.

The Board asked if Mr. Schoenfeld planned to heat the enclosed porch. Mr. Schoenfeld said that he planned to install electric heat.

The Board noted that there are large pine trees located near the porch and precautions should be taken to protect the tree roots during construction.

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

Statement of Facts

The subject property is located at 47 Martin Road, in a 10,000 square foot Single Residence District on a 10,000 square foot lot that has a minimum right side yard setback of 10.7 feet and a minimum front yard setback of 29.4 feet.

ZBA 2004-53
Petition of John and Wendy Schoenfeld
47 Martin Road

The petitioners are requesting a Special Permit/Finding that the enclosure of the existing nonconforming 13.30 foot by 8.41 foot porch, with an 11.7 foot right side yard setback, at their nonconforming dwelling with a minimum 10.7 foot right side yard setback and a minimum 29.4 foot front yard setback, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/20/04, stamped and signed by Terrence M. Ryan, Registered Professional Land Surveyor; Proposed and Existing Floor Plans and Elevation Drawings, prepared by Joseph's Painting & Carpentry, and photographs were submitted.

On August 10, 2004, 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.

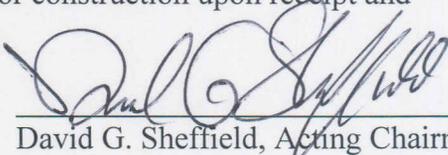
It is the finding of this Authority that the proposed enclosure of the existing nonconforming porch with a minimum right side yard setback of 11.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the enclosure of the porch will neither intensify the existing nonconformance, nor shall it create new nonconformity as the right side yard setback shall remain the same.

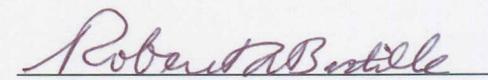
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to enclose the existing porch in accordance with the submitted plot plan and construction drawings.

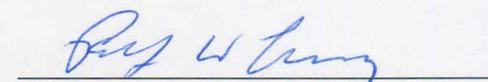
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

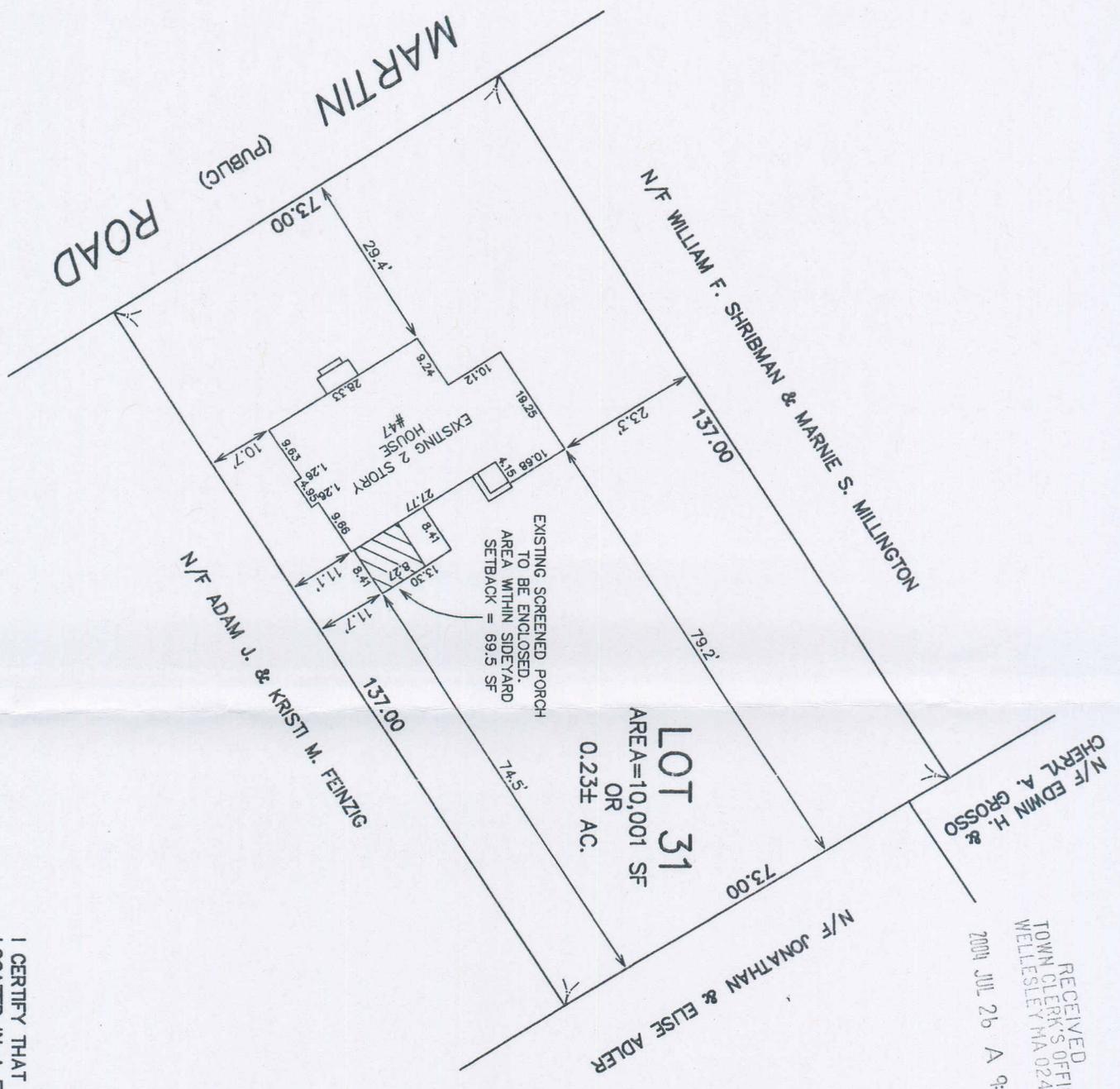
Cc: Planning Board
Inspector of Buildings
Irm


David G. Sheffield, Acting Chairman


Robert A. Bastille


Robert W. Levy

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2004 SEP -1 10:50



RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

2004 JUL 26 A 9:30

PROPOSED PLOT PLAN WELLESLEY, MASS.

DATE: JULY 20, 2004 SCALE: 1" = 20'

PREPARED FOR:

JOHN & WENDY SCHOENFELD
47 MARTIN ROAD
WELLESLEY, MASS. 02481

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY CO.
21 GREEN STREET
HOLLISTON, MASS. 01746
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.
AREA: 10,000 SF
FRONTAGE: 80 FT
SETBACK: 30 FT
SIDEYARD: 20 FT
REARYARD: 10 FT

DEED BOOK 14843 PAGE 154
ASSESSORS MAP 170 LOT 121
EXISTING COVERAGE: 1046 SF = 10.5%
PROPOSED COVERAGE: 1046 SF = 10.5%



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "C" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 250255 0005 B).