



ZONING BOARD OF APPEALS

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

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ZBA 2004-93
 Petition of Daniel and Sharon Kasper
 90 Abbott Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 9, 2004 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of DANIEL AND SHARON KASPER, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 8.4 foot by 11.2 foot screened porch over an existing veranda with less than required left side yard setback, at 90 ABBOTT ROAD, in a 20,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

On November 23, 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 Daniel Kasper, who said that they are looking to cover an existing nonconforming veranda that was built over 100 years ago. Three years ago they were granted a Special Permit to add a section of porch behind the existing section. They would like to extend the screened area to ward off mosquitoes. They cook out there in the summer and would like to have space for a dining table. There will be no change in lot coverage. They propose to extend the end of the screened porch by 11.5 feet. They propose to add a roof and screens.

The Board asked if there were any conditions attached to the Special Permit that was granted three years ago. On March 2, 2001, the Special Permit Granting Authority voted unanimously to grant a Special Permit, "for the construction of said screened porch in accordance with the submitted plot plan and construction drawings, and further subject to the condition that the allowed porch shall never be enclosed and incorporated into the internal structure of the dwelling."

Statement of Facts

The subject property is located at 90 Abbott Road, in a Single Residence District, on a 26,605 square foot lot with a minimum left side yard setback of 15.2 feet.

The petitioners are requesting a Special Permit/Finding that construction of an 8.4 foot by 11.2 foot screened porch over an existing veranda, with a minimum left side yard setback of 15.2 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/2/04, stamped by Verne Porter, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 10/12/04, drawn by CMD Design, Inc., and photographs were submitted.

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On November 30, 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 Public Hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

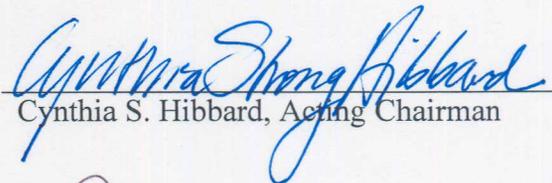
It is the finding of this Authority that construction of an 8.4 foot by 11.2 foot screened porch over an existing veranda shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformance nor will it create new nonconformity.

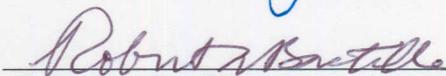
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of said screened porch in accordance with the submitted plot plan and construction drawings.

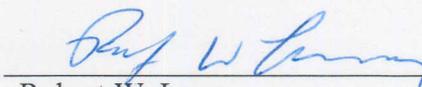
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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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.


Cynthia S. Hibbard, Acting Chairman

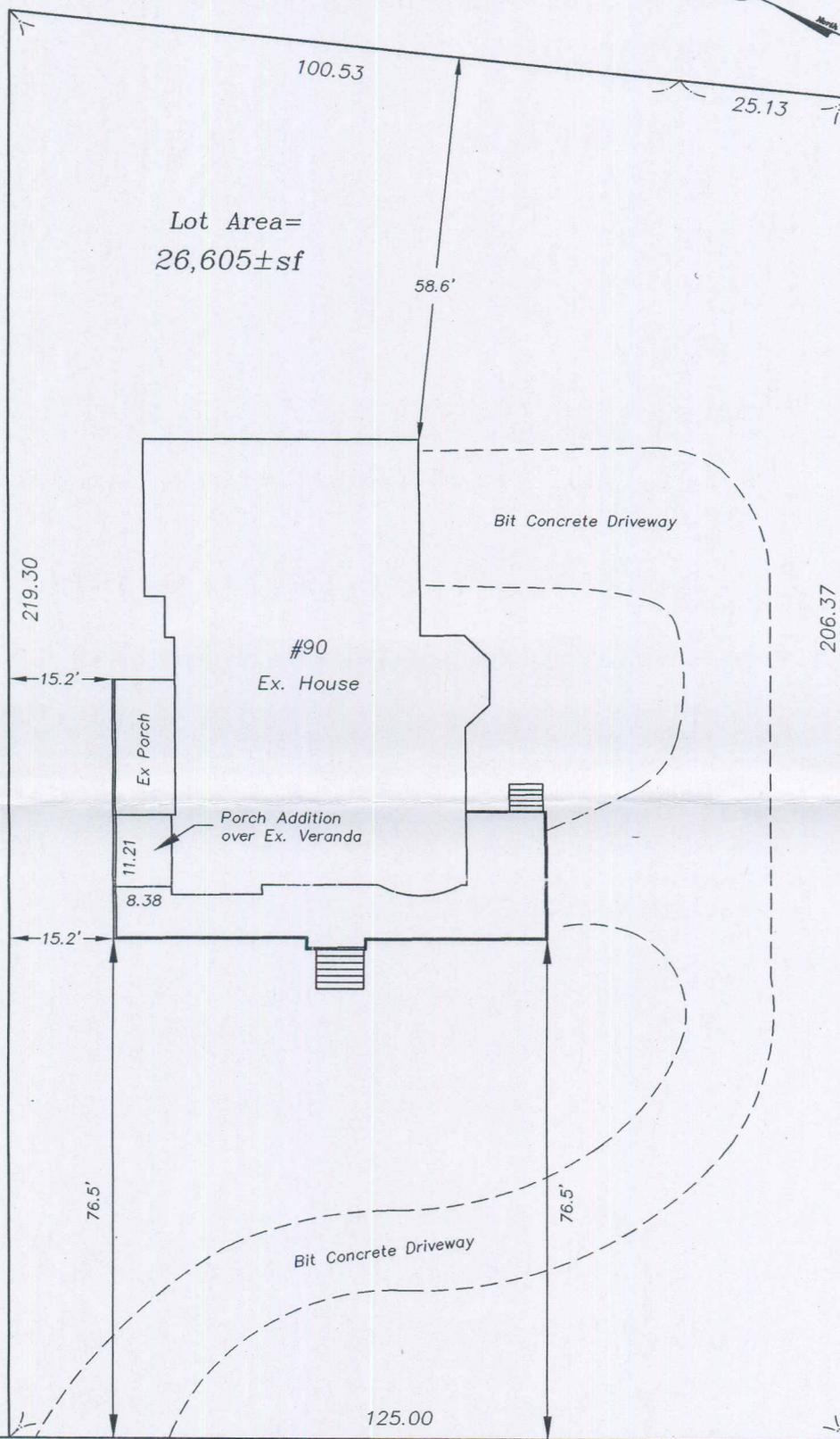

Robert A. Bastille


Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm

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Zoning District: 20,000 sf
Lot Area: 26,605 sf
Allowed Lot Coverage: 18% or 4788.9sf
Existing Lot Coverage: 14.77% or 3932 sf
Proposed Lot Coverage: 14.77% or 3932 sf



PLOT PLAN OF PROPOSED ADDITIONS
90 ABBOTT ROAD
WELLESLEY, MASSACHUSETTS

SCALE: 1"=20' NOVEMBER 2, 2004
VERNE T. PORTER JR., PLS
LAND SURVEYORS CIVIL ENGINEERS
354 ELLIOT STREET NEWTON, MA 02464