

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-03

Petition of Stephen Hansmire

603 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 13, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of STEVEN HANSMIRE, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 19 foot by 20.2 foot porch, with less than required rear setback, on a 6,819 square foot lot, in a district in which the minimum lot size is 10,000 square feet, in a Town House District, at 603 WASHINGTON STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 28, 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 Stephen Hansmire, who said that they have lived in the house for 12 years. They are looking to enclose the existing porch and build a conforming roof that can handle snow.

The Board asked if the porch was there when they purchased the property. Mr. Hansmire said that it was.

The Board asked if there is a building permit for the porch. A building permit was issued in 1980 to extend the porch eight feet. Mr. Hansmire said that the roof was repaired in 1995.

The Board said that the plot plan shows lot coverage at 28.5%. The Board noted that lot coverage would not be changing. The property is located in a Townhouse District which has maximum lot coverage requirement of 25%.

The Board said that the property is located in a unique spot in the neighborhood. The porch is almost a focal point that everyone sees. The porch is up on posts and enclosing it could call more attention to it. The Board said that the petitioners should look at changing the roofline to reduce the visual impact.

The Board asked what the proposed use of the enclosed porch would be. Suzanne Hansmire said that it would be used as a family room.

Ms. Hansmire said that she had spoken with the Kettendorf/King family and a friend in the townhouses and they were pleased with the plans.

Statement of Facts

The subject property is located at 603 Washington Street with a minimum rear setback of 9.4 feet, on a 6,819 square foot lot, in a district in which the minimum lot size is 10,000 square feet, in a Town House District.

The petitioners are requesting a Special Permit/Finding that enclosure of the existing 19 foot by 20.2 foot porch, with a minimum rear setback of 9.4 feet, on a 6,819 square foot lot, in a district in which the minimum lot size is 10,000 square feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 12/16/04, stamped by John Caffrey, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, and photographs were submitted.

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 enclosure of the existing 19 foot by 20.2 foot porch with a minimum rear setback of 9.4 feet, on a 6,819 square foot lot, in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither intensify the existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the enclosure of the existing 19 foot by 20.2 foot 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.

David G. Sheffield, Acting Chairman

Randy Becker

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm