

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-20

Petition of Thomas S. and Abby J. Hansen
82 Dover Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 10, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of THOMAS AND ABBY HANSEN requesting a Special Permit pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 16.3 foot by 20.6 foot porch, with less than required right side yard setback, on a 6,979 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.

On February 22, 2005, 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 Abby Hansen, who said that they wanted to enclose an existing porch. The only change would be that, instead of screens, they would build walls. There will be no work on the foundation. The use of the area will change only in that it will be enclosed.

The Board asked if they were adding a second floor. Ms. Hansen said they are not. They are keeping the same roof.

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

The Board said that the lot is nonconforming.

Statement of Facts

The subject property is located at 82 Dover Road, with a minimum left side yard setback of 5 feet, and a minimum right side yard setback of 11.2 feet, on a 6,979 square foot lot, in a district in which the minimum lot size is 10,000 square feet.

The petitioner is requesting a Special Permit/Finding that enclosure of an existing 16.3 foot by 20.6 foot porch, with a minimum right side yard setback of 12.6 feet, on a 6,979 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.

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A Plot Plan dated 11/16/04, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 9/16/04, drawn by Doand L. Foley, and photographs were submitted.

On February 28, 2005 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 enclosure of an existing 16.3 foot by 20.6 foot porch, with a minimum right side yard setback of 12.6 feet, on a 6,979 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 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 expansion of the existing kitchen and enclosure of the existing 16.3 foot by 20.6 foot 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.

Richard L. Seegel, Chairman

David G. Sheffield

Randy Becker

cc: Planning Board
Inspector of Buildings

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