

**ZONING BOARD OF APPEALS**

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ZBA 2005-32

Petition of Terence and Colleen Conroy
9 Sunset Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 14, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of TERENCE AND COLLEEN CONROY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 8 foot by 11.3 foot porch and construction of a second story addition over the porch, with less than required right side yard setback, at their nonconforming dwelling with less than required right side yard setback, in a 10,000 square foot Single Residence District, at 9 SUNSET ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 30, 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 Terence Conroy, who said that the application that they submitted is for work to be done on their three-season porch. The work is in conjunction with an overall addition at the back of the house. The porch is within the side yard setback. They would like to winterize the porch by adding heat and new windows and add a second story over that. The addition would consist of a spare bedroom.

The Board asked if they would be changing the foundation in any way. Mr. Conroy said that they would not be changing the foundation.

The Board asked if there is a garage there presently. Mr. Conroy said that there is a garage that will be converted to space for a mudroom. They will construct a new two-car garage.

The Board said that the Planning Board expressed concern about the massing of the proposed structure close to the lot line. The Board said that because the area is nicely vegetated and the placement of the house on the lot, they did not share the Planning Board's concern.

Statement of Facts

The subject property is located at 9 Sunset Road, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 10.8 feet.

The petitioner is requesting a Special Permit/Finding that enclosure of an existing 8 foot by 11.3 foot porch and construction of a second story addition over the porch, with a minimum right side yard

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setback of 10.8 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/28/05, stamped by Richard J. Leslie, Registered Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 3/8/05, drawn by Peter L. Sandorse, Architect, and photographs were submitted.

On April 5, 2005 the Planning Board reviewed the petition and said,

Although the proposed addition does not further decrease the right side yard setback, nor increase the building footprint (lot coverage) the Board expressed concern about the massing of the proposed structure close to the lot line.

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 8 foot by 11.3 foot porch and construction of a second story addition over the porch, 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.

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.

Cynthia S. Hibbard, Acting Chairman

Robert A. Bastille

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm