

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEDEL, 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 2005-39
Petition of Charles Coyle
23 Wellesley Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 12, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of CHARLES T. COYLE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 7.7 foot by 21.4 foot screened porch and construction of a 7.7 foot by 8 foot deck, with less than required right side and front yard setbacks, on an 8,815 square foot lot, in a district in which the minimum lot size is 10,000 square feet, at 23 WELLESLEY AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 25, 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 Robert Nudelman, Contractor, who said that the petitioner would like to convert the screened porch to a den and add a small deck off of the back.

The Board said that an 8 foot by 7.7 foot deck is small. Mr. Nudelman said that the petitioner only wants to put out two chairs to sit there. The Board confirmed that there will be no stairs coming down from the deck.

The Board asked about the scale on the plans. On the first page of the plans the scale is listed as 1 inch equals 5 feet. On the second page of the plans the scale is listed as 1 inch equals 3 feet.

The Board asked if there is a foundation. Mr. Nudelman said that there is an existing foundation.

The Board confirmed that the proposal is only to enclose the porch.

The Board asked if the existing porch has screens on it and what material the floor was made of. Mr. Nudelman said that the porch has screens and a low rail. The floor is made of fir.

The Board asked if the floor will remain. Mr. Nudelman said that they plan to put sleepers in, raise the floor about 4 inches and insulate below. The Board asked if the insulation would be covered with oil board. Mr. Nudelman said that he would probably cover it with oil board.

The Board said that the proposed side view does not show any windows. Mr. Nudelman said that the petitioner does not want windows.

The Board said that there could windows at the corners. There is a scale issue with the porch being so close to the neighbor's yard.

The Board asked if the porch will be heated. Mr. Nudelman said that it will be heated by electric baseboards.

The Board said that the Planning Board expressed concerns over the creation of living space 6.6 feet from the lot line and the future possibility of adding a second story.

The Board said that it could allow the petition with the condition that there be no second story allowed.

Statement of Facts

The subject property is located at 23 Wellesley Avenue, on an 8,815 square foot lot, in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 24.9 feet, a minimum right side yard setback of 6.5 feet, a minimum left side yard setback of 9.9 feet, and a minimum rear yard setback of 9.9 feet. The lot contains a nonconforming two-story dwelling and a nonconforming one-story detached garage.

The petitioner is requesting a Special Permit/Finding that enclosure of an existing 7.7 foot by 21.4 foot screened porch with a minimum front yard setback of 27 feet, and a minimum right side yard setback of 6.5 feet, and construction of a 7.7 foot by 8 foot deck with a minimum right side yard setback of 6.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/5/05, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/7/05, drawn by R.J. Nudelman, and photographs were submitted.

On May 10, 2005 the Planning Board reviewed the petition and said,

Although the proposed addition does not further decrease the left side yard setback the Board expressed concerns over the creation of living space 6.6 feet from the lot line and the future possibility of adding a second story.

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 although enclosure of an existing 7.7 foot by 21.4 foot screened porch with a minimum front yard setback of 27 feet, and a minimum right side yard setback of 6.5 feet, and construction of a 7.7 foot by 8 foot deck with a minimum right side yard setback of 6.6 feet is increasing the nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

ZBA 2005-39
Petition of Charles Coyle
23 Wellesley Avenue

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing 7.7 foot by 21.4 foot screened porch and construction of a 7.7 foot by 8 foot deck, subject to the following condition:

1. Construction of a second story over the enclosed porch is not allowed.

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.

ZBA 2005-39
Petition of Charles Coyle
23 Wellesley Avenue

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

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm