

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-01
Petition of Harry and Jill Fuller
8 Tappan Road

Petition of HARRY AND JILL FULLER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 10 foot by 22.3 foot screened porch with less than required right side yard setback, at 8 TAPPAN ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 21, 2005, the petitioner 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 Harry Fuller, who said that he currently has a screened in porch on the side of his house that is over a slab with a basement below. He said that over the years it has deteriorated to the point where it is an eyesore, structurally unsound and unsafe. He said that it is his intention to tear the porch down and build an enclosed room on the same footprint and at the same height. He said that the base of the foundation is 13 feet from the property line. He said that the proposed change will be an improvement to the neighborhood.

The Board said that many of the houses in the neighborhood are similar in style and that a number of the neighbors have enclosed porches. The Board asked when the house was built. Mr. Fuller said that it was built in the 1920's.

The Board said that the Planning Department had no objection to granting the request but suggested a condition to prevent construction of a second story over the porch at a later date.

The Board asked if there is a step down from the house to the screened porch. Mr. Fuller said that it is flush with the house. The Board said that there is a door on the second floor to the porch roof. Mr. Fuller said that the roof used to have a balustrade around it. He said that he does not intend to use the roof.

Statement of Facts

The subject property is located at 8 Tappan Road, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 13.2 feet.

The petitioner is requesting a Special Permit/Finding that construction of an enclosed room on the same footprint and at the same height as the existing 10 foot by 22.3 foot screened porch shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 11/11/05, stamped by Robert F. Drake, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, and photographs were submitted.

On January 4, 2006, the Planning Department 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 demolition of the existing 10 foot by 22.3 foot screened porch and construction of an enclosed room on the same footprint and at the same height 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 demolition of the porch and construction of an enclosed room, 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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm