

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-16

Petition of Dennings Point Realty Corporation
13 Hill Top Road

Petition of DENNING'S POINT REALTY CORPORATION requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that reconstruction of an existing screened porch with deck above with less than required right side yard setbacks, at 13 HILL TOP ROAD, on a 6,277 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 24, 2006, 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 Joe Fiorentino, who said that he was representing the owner of 13 Hill Top Road. He said that there is an existing structure that they will be taking down. They will build the exact same structure on the same footprint.

The Board asked if this is a rental property. Mr. Fiorentino said that it is owned by someone who lives out-of-state. Mr. Fiorentino said that the resident is a disabled Vet, the owner's sister.

The Board asked if the screened porch is original to the house. Mr. Fiorentino said that he believes that it is an addition that is at least 20 years old.

The Board said that because the porch is at the back corner of the house, it could make a finding that it is not more detrimental to the neighborhood.

The Board said that the height of the rail is shown on the plan at 36 inches and that it should be 42 inches, according to the Building Code for Single Family Residences. Mr. Fiorentino said that his understanding of the Code is that for one or two-family residences, the height should be 36 inches. He said for multi-families it should be 42 inches.

The Board asked about the spacing of the balustrades on the porch. Mr. Fiorentino said that the spacing would be 5 inches.

The Board asked about the gutter. Mr. Fiorentino said that the new gutter will be sloped towards the backside.

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The Board said that the Code issues could be considered as conditions for the sake of obtaining accurate drawings for the Board.

No other person present had any comment on the petition.

The Board noted that the Planning Board had no objection to granting the petition.

Statement of Facts

The subject property is located at 13 Hill Top Road, on a 6,277 square foot lot, with a minimum right side yard setback of 6.7 feet, a minimum left side yard setback of 9.8 feet, and a minimum front yard setback of 24.7 feet.

The petitioner is requesting a Special Permit/Finding that reconstruction of an existing screened porch with deck above with a minimum right side yard setback of 6.7 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/17/06, stamped by Antoni Szerszunowicz, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, drawn by Archadeck, and photographs were submitted.

On February 28, 2006, 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 although reconstruction of an existing screened porch with deck above 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 reconstruction of an existing screened porch with deck above, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for reconstruction 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.

Cynthia S. Hibbard, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm