

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-51
Petition of Tim and Tita Kish
49 Clovelly Road

Petition of TIM AND TITA KISH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 8.5 foot by 16.2 foot second story addition over an existing enclosed sunroom with less than required left side yard setback, on an 8,915 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 49 CLOVELLY ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 22, 2006, 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 Tim Kish, who said that they are requesting a Special Permit to construct an 8 ½ foot by 16 foot addition over an existing sunroom.

Mr. Kish said that they have a small house that was built in 1929. They purchased the house in 1973. The house has slightly less than 1800 square feet of living area. He said that the proposed use of the addition will be for a second full bath and a small closet. They are now retired and have grandchildren visiting.

Mr. Kish said that they have spoken with all neighbors who would see the proposed addition. He said that there were no objections. Mr. Kish submitted a letter of support, signed by the neighbors, to the Board.

The Board asked if the sunroom is on a full foundation. Mr. Kish said that it is.

The Board asked if the sunroom is part of the original house. Mr. Kish said that it is.

The Board said that the front yard setback was cited for relief on the application. There is an existing nonconforming setback to the front of the house but that has nothing to do with the proposed addition. Mr. Kish said that is correct.

There was no one present who wished to speak to the petition.

The Planning Board had no objection to granting the request.

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Statement of Facts

The subject property is located at 49 Clovelly Road, with a minimum front yard setback of 28.28 feet, and a minimum left side yard setback of 11.87 feet, on an 8.915 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 construction of an 8.5 foot by 16.2 foot second story addition over an existing enclosed sunroom with less than required left side yard setback shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/16/06, stamped by Anthony Paul Salamanca, Professional Land Surveyor, and Existing and Proposed Elevation Drawings and Construction Drawings, dated 5/16/06, prepared by Philip J. Burne, AIA, and photographs were submitted.

On June 6, 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 construction of an 8.5 foot by 16.2 foot second story addition over an existing enclosed sunroom with a minimum left side yard setback of 11.87 feet, 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 construction of an 8.5 foot by 16.2 foot second story addition over an existing enclosed sunroom, 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

J. Randolph Becker

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm