

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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LENORE R. MAHONEY
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TELEPHONE
(781) 431-1019 EXT. 208

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ZBA 2006-67

Petition of David & Marietta Boon
9 Summit Road

Petition of DAVID AND MARIETTA BOON (the "Petitioners") requesting a Special Permit/Finding pursuant to the provisions of Section XVII, Section XIVE and Section XXV of the Zoning Bylaw that construction of a 4.01 foot by 9.8 foot one-story addition with less than required left side yard setback, at 9 SUMMIT ROAD, in a 10,000 Square Foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 25, 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 were David and Marietta Boon. Mr. Boon said that they are asking for a Special Permit to add a closet to their foyer at the left side of the house, which is currently nonconforming.

The Board that there is good amount of separation between this property and the neighbor's property to the left. There is also a fence there.

Statement of Facts

The subject property is located at 9 Summit Road, with a minimum left side yard setback of 11.1 feet, on an 11,283 square foot lot, in a 10,000 square foot Single Residence District and a Water Supply Protection District.

The petitioner is requesting a Special Permit/Finding that construction of a 4.01 foot by 9.8 foot one-story addition 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 7/31/06, stamped by Robert F. Drake, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/14/06, revised 7/13/06 and 8/7/06, drawn by Peter Sacks Architect, and photographs were submitted.

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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 construction of a 4.01 foot by 9.8 foot one-story addition with less than required left side yard setback is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 4.01 foot by 9.8 foot one-story addition, 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