

**ZONING BOARD OF APPEALS**

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

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ZBA 2007-06
Petition of Benjamin Stewart-Kruger
31 Rice Street

Petition of BENJAMIN J. STEWART-KRUGER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that unenclosing an existing nonconforming porch with less than required front yard setback, and construction of a 6.75 foot by 8.57 foot porch with less than the required front and right side yard setbacks, at 31 RICE STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 23, 2007, 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 Benjamin Stewart-Kruger, who said that the proposal is to alter the enclosed front porch structure to make it more aesthetically pleasing from the curb.

The Board confirmed that the proposal is to unenclose the existing porch and extend it as an open porch across the front of the house.

Mr. Stewart-Kruger said that the existing porch does not serve a function. He said that he spoke with the neighbors and they approve of the proposed plan.

The Board said that the proposed porch is in scale with other houses on the street even though it is closer to the street.

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

Statement of Facts

The subject property is located at 31 Rice Street, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 14.9 feet, and a minimum right side yard setback of 8.7 feet.

The Petitioner is requesting a Special Permit/Finding that unenclosing an existing nonconforming porch with less than required front yard setback, and construction of a 6.75 foot by 8.57 foot porch with less than the required front and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/10/07, stamped by Terrence M. Ryan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/1/06, drawn by Vincent Codispoti, Jr., Architect, and photographs were submitted.

On February 6, 2007, 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 unenclosing an existing nonconforming porch with less than required front yard setback shall not increase a nonconformity and that although construction of a 6.75 foot by 8.57 foot porch with less than the required front and right side yard setbacks 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 alteration of an existing nonconforming front porch and construction of a 6.75 foot by 8.57 foot front porch, 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.

Cynthia S. Hibbard, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
Lrm

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