

**ZONING BOARD OF APPEALS**

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ZBA 2007-46
Petition of Herbert Glick
8 Bancroft Road

Petition of HERBERT GLIICK requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 9.1 foot by 15 foot nonconforming porch with less than required left side yard setbacks, at 8 BANCROFT 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 June 25, 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 Herbert Glick (the "Petitioner"), who said that he and his wife have lived at 8 Bancroft Road for the past 40 years. He said that the house is more than 90 years old. He said that he and his wife would like to continue to live in the house but the stairs are steep and shallow.

Mr. Glick said that the proposal is to construct a conforming one-story master bedroom addition. He said that they are proposing to enclose an existing nonconforming to be used as office space for their computers. He said that the porch is on the side of the house that abuts the neighbors' driveway. He said that the house should look the same when viewed from the street.

Mr. Glick said that he had spoken with his neighbors regarding the plans.

The Board asked if the porch was part of the original structure. Mr. Glick said that it was. He said that it may have been the front entrance to the home at one time.

The Board said that the proposed design helps to integrate the new construction with the existing structure.

Margaret Elfman, 6 Bancroft Road, said that her family lives next door to the Glicks. She said that her family experiences a decreased lack of privacy during the summer months. She said that her family enters and exits their house from their driveway. She said that the Glick's proposal to change the porch from seasonal to year round usage may affect the lack of privacy for her family.

Ms. Elfman said that they are concerned about the size of the windows that will face their property. She said that Mr. Glick told them that smaller windows than what was shown on the plans might be installed. Mr. Glick said that he had spoken to the architect regarding the smaller windows. The architect thought that the façade looked better with the specified windows. The Board said that the Zoning Bylaw does not regulate windows.

The Board confirmed that the Elfmans' concern was for a lack of visual privacy. Ms. Elfman said that a fence could help to alleviate the lack of privacy on a year round basis.

Mr. Glick said that there will be minimal impact on the neighbors. He said that he and his wife currently have breakfast and dinner on the porch. The Board said that there should be more privacy in the summer months since the area that the Glicks currently use as outdoor space will be enclosed.

Mr. Glick said that he removed lilac bushes that grew along the driveway after Mr. Elfman complained that the bushes rubbed against their cars if the bushes were not trimmed. Mr. Glick said that the lilacs were replaced with viburnum that was set further back from the driveway. He said that the bushes have grown to the height of the roof line of the cars.

Mr. Glick said that the Elfmans' driveway encroaches onto his property. He said that the houses in the neighborhood were built at a time when people did not have four cars in the driveway.

The Board asked about the steps shown on the west elevation. Mr. Glick said that those steps will be removed.

The Board commented that there are windows in the proposed addition at the back. Ms. Elfman said that there is screening there for those windows.

Statement of Facts

The subject property is located at 8 Bancroft Road, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 14.2 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing 9.1 foot by 15 foot nonconforming porch with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/14/07, stamped by Stephen P. DesRoche, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/14/07, drawn by Frank Warner Riepe, Architect, and photographs were submitted.

On July 12, 2007, the Planning Department reviewed the petition and did not oppose 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 enclosure of an existing 9.1 foot by 15 foot nonconforming porch with less than required left side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither increase an existing nonconformity nor will it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing 9.1 foot by 15 foot nonconforming 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.

This Special Permit shall expire two years after the date time stamped on this decision.

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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.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David Grissino

cc: Planning Board
Inspector of Buildings
lrm
cc: Planning Board