

**ZONING BOARD OF APPEALS**

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ZBA 2007-49
Petition of Nancy A. Ryan Nominee Trust
176 Cliff Road

Petition of NANCY A. RYAN NOMINEE TRUST requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 617 square foot one-story addition with less than required right side yard setbacks, at 176 CLIFF ROAD, in a 20,000 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 Michael Collins, who said that he is the architect representing the Nancy A. Ryan Nominee Trust (the "Petitioner"). He said that the Petitioner is requesting a Special Permit for a one-story extension of the garage and porch. He said that an existing shed will be removed. Mr. Collins said that the proposed addition will extend an existing nonconforming side yard setback. The proposed screened porch will not be in the setback area.

Mr. Collins said that the existing two-car garage is narrow. He said that the proposal is to expand the garage to allow for storage and to construct a door to the house.

The Board said that the owner of the property is listed on the Special Permit application as the Nancy M. Ryan Nominee Trust. The construction plans refer to the Reiner residence. Mr. Collins said that the Trust was set up with a name that is a combination of the owners' initials.

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

Statement of Facts

The subject property is located at 176 Cliff Road, on a 47,040 square foot lot, in a 20,000 square foot Single Residence District, with a minimum right side yard setback of 11.3 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 617 square foot one-story addition with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 6/5/07, stamped by John J. Caffrey, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/30/07, drawn by D. Michael Collins Architects, 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 although construction of a 617 square foot one-story addition with less than required 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 construction of a 617 square 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.

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