

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEDEL, CHAIRMAN  
CYNTHIA S. HIBBARD  
DAVID G. SHEFFIELDLENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID GRISSINO

ZBA 2007-53

Petition of Nancy Howe and Robert Payne  
25 Sunset Road

---

Petition of NANCY HOWE AND ROBERT PAYNE requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing 7.4 foot by 14 foot porch, construction of a second story addition over an existing 15.3 foot by 18.8 foot structure, and construction of second story additions to extend the existing shed dormer with less than required side yard setbacks, on a 7,500 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, at 25 SUNSET ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 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 were Nancy Howe and Robert Payne (the "Petitioner").

Mr. Payne said that the proposal is to add a bedroom over an existing den, a bathroom over an existing porch, extend the existing shed dormer across the back, add a dormer to the front, and add a small roof over the front door, with no change to the footprint or the ridge height of the main structure of the house.

The Board said that it is a tough lot to deal with.

The Board said that the wall that will be created that faces the neighbor does not appear to be massive.

There was no member of the public present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 25 Sunset Road, on a 7,500 square foot corner lot, with minimum side yard setbacks of 10.5 feet and 9.9 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a second story addition over an existing 7.4 foot by 14 foot porch, construction of a second story addition over an existing 15.3 foot by 18.8 foot structure, and construction of second story additions to extend the existing shed dormer with less than required side yard setbacks, on a 7,500 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/10/07, revised 6/15/07 & 6/18/07, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 6/12/07, drawn by Robert Payne, and photographs were submitted.

On July 30, 2007, the Planning Department 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 although construction of a second story addition over an existing 7.4 foot by 14 foot porch, construction of a second story addition over an existing 15.3 foot by 18.8 foot structure and construction of second story additions to extend the existing shed dormer with less than required 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 second story addition over an existing 7.4 foot by 14 foot porch, construction of a second story addition over an existing 15.3 foot by 18.8 foot structure, and construction of second story additions to extend the existing shed dormer, 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.

ZBA 2007-53  
Petition of Nancy Howe and Robert Payne  
25 Sunset Road

---

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

---

Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm