



## ZONING BOARD OF APPEALS

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ZBA 2007-73  
Petition of Kerim & Alyssa Akgonul  
5 Durant Road

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Petition of KERIM AND ALYSSA AKGONUL requesting a Special Permit/Finding pursuant to the provisions of Section XVII and XXV of the Zoning Bylaw for demolition of an existing garage with less than required left side and rear yard setbacks, construction of a 12 foot by 20 foot garage, construction of a 3.9 foot by 6 foot mudroom, and reconstruction and enclosure of an existing 4.1 foot by 5.3 foot porch with less than required left side yard setbacks, on a 7,168 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 5 DURANT ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 24, 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 Hally, who said that he is the architect representing Kerim and Alyssa Akgonul (the "Petitioner"). He said that the existing house is a 2 ½ story colonial with a porch on the right side. He said that the Petitioner is building a conforming addition at the back of the house.

Mr. Hally said that the Petitioner is proposing to reconstruct the piers and floor of the portico on the left side of the house. The Petitioner is proposing to demolish the existing detached garage and construct a larger garage, pulled forward and further away from the side lot line. They are proposing to attach the new garage to the new addition with a mudroom.

Mr. Hally said that the simple character of the existing house will be preserved.

Mr. Hally said that the neighbors had signed a letter of support for the project. Mr. Akgonul said that the abutting neighbor did not sign the letter because he plans to transfer ownership of his home to his children and did not want to speak on their behalf.

The Board said that attaching the garage to the house with the mudroom would require a Variance.

Ms. Akgonul said that it is their preference that the garage be rebuilt in the original location if the proposed attached garage and mudroom could not be approved.

Mr. Hally requested that the Board allow the petitioner to withdraw the request for the mudroom and garage.

The Board voted unanimously to grant the Petitioner's request to withdraw the proposed mudroom and garage from the Special Permit/Finding petition.

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 5 Durant Road, on a 7,168 square foot lot, with a minimum left side yard setback of 3.3 feet and less than required rear yard setbacks.

The Petitioner is requesting a Special Permit/Finding that reconstruction and enclosure of an existing 4.1 foot by 5.3 foot 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 7/17/07, stamped by Frank Iebba, Professional Land Surveyor, Existing Floor Plans and Elevation Drawings, dated 6/04/07, Proposed Floor Plans, dated 9/20/07, and Proposed Elevation Drawings, dated 9/14/07, drawn by Michael Hally Design, Inc., and photographs were submitted.

#### 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 reconstruction and enclosure of an existing 4.1 foot by 5.3 foot 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 shall neither increase an existing nonconformity nor shall it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for reconstruction and enclosure of an existing 4.1 foot by 5.3 foot porch with less than required left side yard setbacks, 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.

If construction has not commenced, except for good cause, 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.

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Cynthia S. Hibbard, Acting Chairman

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David G. Sheffield

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm