

**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 L. GRISSINO

ZBA 2008-37

Petition of Kevin Arnold & Amy Donner
45 Bay View Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 12, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of KEVIN ARNOLD & AMY DONNER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing screened porch and construction of an 11 foot by 11 foot sun porch with less than required right side yard setbacks, at 45 BAY VIEW 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 May 27, 2008, 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 Amy Donner (the "Petitioner"), who said that the proposal is to take down the screened-in porch, that is in poor condition and replace it with a glassed sunroom on the side of the house that faces conservation land. She said that they spoke with the neighbors and there were no objections to the plans.

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

Statement of Facts

The subject premises is located at 45 Bay View Road, in a 10,000 Square Foot Single Residence District, with a minimum right side yard setback of 12.46 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing screened porch and construction of an 11 foot by 11 foot sun porch with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/25/08, revised 4/29/08, stamped by William J. Ferro, Registered Land Surveyor, Proposed Construction Drawings, dated 3/19/08, stamped by Robert Wironen, Registered Architect, and photographs were submitted.

On June 2, 2008 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 although demolition of an existing screened porch and construction of an 11 foot by 11 foot sun porch 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 demolition of an existing screened porch and construction of an 11 foot by 11 foot sunporch with less than required right 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.

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

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm