

**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 2008-38
Petition of Dan Tibma
19 Beverly 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 DAN TIBMA requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 8 foot by 14.9 foot sunporch with less than required right side yard setbacks, on an 8,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 19 BEVERLY ROAD, 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 Dan Tibma, who said that he was representing Edward and Terri Sevilla (the "Petitioner"). He said that the proposal is to change a porch into a four-season room on the same footprint.

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 19 Beverly Road, on an 8,000 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 10.8 feet and a minimum right side yard setback of 15.8 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing 8 foot by 14.9 foot sunporch 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 5/13//08, stamped by David E. Lukens, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, 5/15/08, drawn by Pam Bruni-Holick, CKD, 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 enclosure of an existing 8 foot by 14.9 foot sunporch with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it will neither create a new nonconformity nor increase an existing nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing 8 foot by 14.9 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.

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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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm