

**ZONING BOARD OF APPEALS**

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

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ZBA 2008-51  
Petition of Copper Beech Design  
65 Leighton Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 14, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of COPPER BEECH DESIGN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw to replace an existing nonconforming landing with a half-circle covered landing with a 4 foot radius and a total area of 27.2 square feet, with less than required front yard setbacks, at 65 LEIGHTON ROAD, on a 7,900 square foot 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.

On June 24, 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 Tom Timko (the "Petitioner"), who said that he was representing the owners, Margaret & Artemis Joukowsky. Mr. Timko said that the proposal is to replace the existing landing that has fallen off of the house with a slightly larger half-circle landing with a half-circle canopy over the landing. He said that there will be a minimal increase in lot coverage.

The Board said that it appears that the new landing has already been constructed. Mr. Timko said that landscaping and prep work has been done. He said that he was unaware of the landing being installed without permission.

Mr. Timko said that the owners wanted a slightly larger landing and were looking for something that was more in tune with the house design. He said that it made more sense to design a half-round entry rather than a gabled entrance. The owners wanted a structure over the landing, which serves as the main entrance to the house. There is a steep slope to the roof. Rain and snow come off of the roof onto the landing.

The Board said that there appears to be no means of support for the canopy and was concerned about safety issues with a 4 foot flat roof. Mr. Timko said that he had discussed the safety issues with the Building Inspector. They decided that the front of the house should be opened up and the canopy should be cantilevered out using sistering joists to the existing floor joists.

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 65 Leighton Road, on a 7,900 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 9.3 feet, a minimum right side yard setback of 9.4 feet, and a minimum front yard setback of 22.2 feet.

The Petitioner is requesting a Special Permit/Finding that replacement of an existing nonconforming landing with a half-circle covered landing with a 4 foot radius and a total area of 27.2 square feet, with less than required front yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 10/17/07, stamped by Antoni Szerszunowicz, Registered Professional Land Surveyor, Existing and Proposed Floor Plans, dated 6/17/08, Elevation Drawings, dated 6/10/08 & 6/16/08, drawn by Copper Beech Design, and a photograph were submitted.

On August 14, 2008 the Planning Department staff 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 replacement of an existing nonconforming landing with a half-circle covered landing with a 4 foot radius and a total area of 27.2 square feet 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 replacement of an existing nonconforming landing with a half-circle covered landing with a 4 foot radius and a total area of 27.2 square feet with less than required front 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.

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Cynthia S. Hibbard, Acting Chairman

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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
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