

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.govJ. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2009-05
Petition of Aliana von Richthofen
7 Hampden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 5, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ALIANA VON RICHTHOFEN requesting an extension of the Special Permit, 2006-59, pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for construction of an 11.5 foot by 13.1 foot garage, construction of a 22.1 foot by 30.4 foot one-story addition, and construction of an 8 foot by 30.4 foot deck with less than required right side yard setbacks, at 7 HAMPDEN STREET.

On January 20, 2009 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 Aliana von Richthofen (the "Petitioner"), who said that she was requesting that the Board grant an extension to the Special Permit that was granted two years ago. She said that she had been involved in litigation with a neighbor who appealed the Special Permit. She said that the process was long and costly.

Ms. von Richthofen said that following litigation the Special Permit was due to expire on April 4, 2009. She asked that the Special Permit be extended for two years to expire in April 2011.

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 7 Hampden Street, with a minimum left side yard setback of 8.8 feet and a minimum right side yard setback of 14.1 feet, in a 10,000 square foot Single Residence District.

The Petitioner is requesting extension of Special Permit 2006-59 that was granted on May 14, 2006 by the Zoning Board of Appeals.

On February 2, 2009, 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 extension of Special Permit 2006-59 for construction of an 11.5 foot by 13.1 foot garage, construction of a 22.1 foot by 30.4 foot one-story addition, and construction of an 8 foot by 30.4 foot deck with less than required right side yard setbacks 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 extension of Special Permit 2006-59.

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

J. Randolph Becker

Cynthia S. Hibbard

cc: Planning Board
Inspector of Buildings
lrm