

**ZONING BOARD OF APPEALS**

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

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ZBA 2009-38
Petition of John & Tara Lawrence
41 Leighton Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 11, 2009 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JOHN & TARA LAWRENCE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing 10 foot by 7 foot one-story sun porch and construction of an 18 foot by 18 foot two-story addition with less than required right side yard setbacks, on a 9,375 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 41 LEIGHTON ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 22, 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 were John and Tara Lawrence (the "Petitioner") and Ron Searles, Architect. Mr. Lawrence said that they recently bought the house and are planning to update it. He said that the plan is to change a 10 foot by 17 foot sunporch into a family room and to expand the two bathrooms on the second floor to full size.

The Board said the proportions of the proposed addition were sensitively designed to be not more detrimental to the neighborhood.

The Board asked if the sunporch was original to the house. Mr. Lawrence said that he believed that it was added on in the 1970's.

Mr. Lawrence said that the neighbors on both sides are in support of the project.

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 41 Leighton Road, on a 9,375 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 9.6 feet, a minimum right side yard setback of 15 feet, and a minimum front yard setback of 29.8 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing 10 foot by 7 foot one-story sun porch and construction of an 18 foot by 18 foot two-story addition with less than required right side yard setbacks, on a 9,375 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.

A Plot Plan dated 5/13/09, stamped by George Collins, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/21/09, prepared by R.C. Searles Associates, 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 although demolition of an existing 10 foot by 7 foot one-story sun porch and construction of an 18 foot by 18 foot two-story addition 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 10 foot by 7 foot one-story sun porch and construction of an 18 foot by 18 foot two-story addition 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.

Cynthia S. Hibbard, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm

PREPARED FOR:
 JOHN LAWRENCE
 41 LEIGHTON ROAD
 WELLESLEY, MA

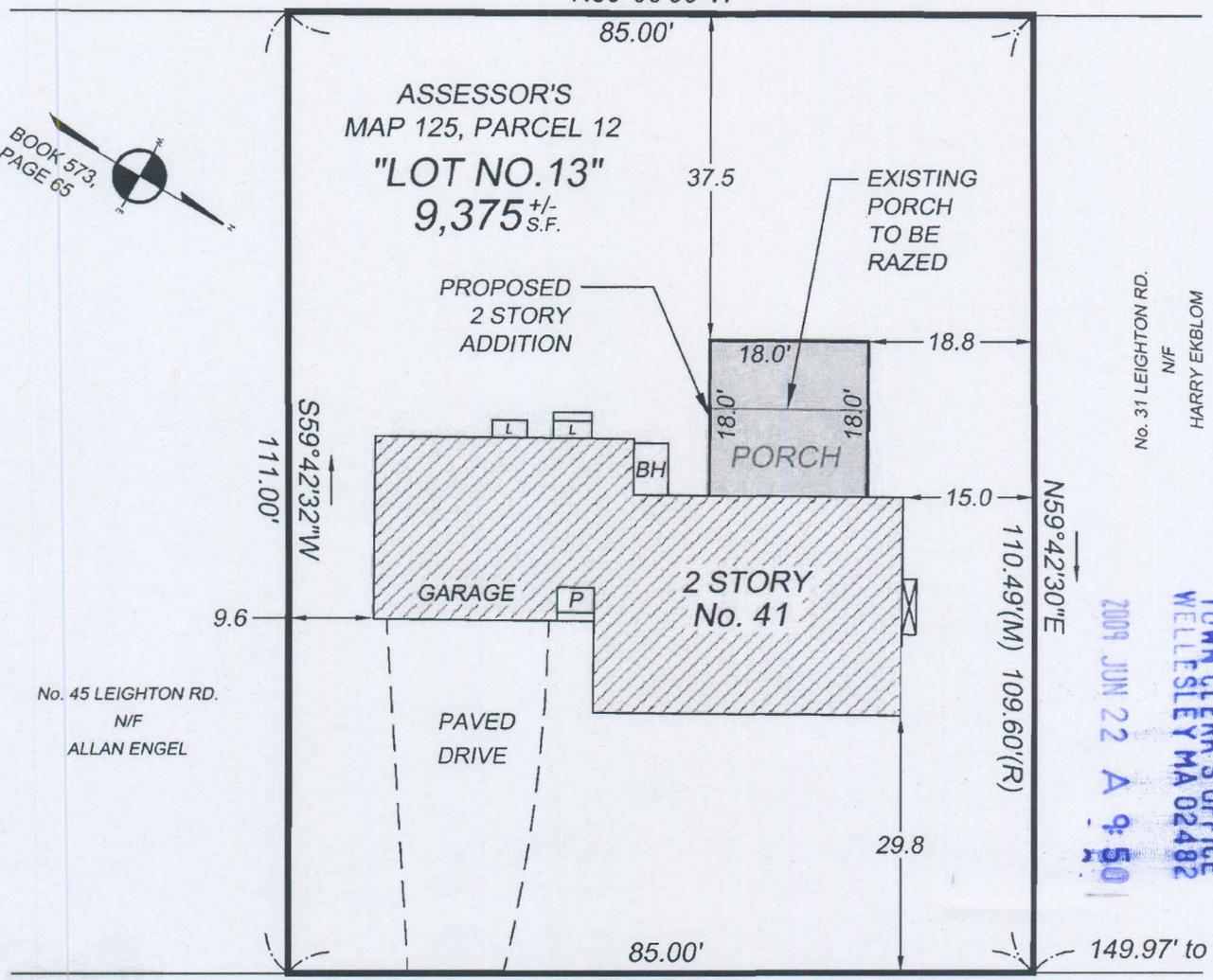
CERTIFIED PLOT PLAN 09-00262

No. 10 BIRCH ROAD
 N/F
 STEPHEN KINSELLA

No. 4 BIRCH ROAD
 N/F
 FINEMAN & SOBOL



BOOK 573,
 PAGE 65



LEIGHTON ROAD (PUBLIC - 40' WIDE)

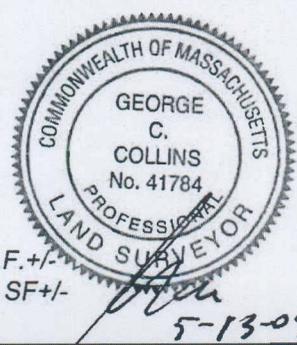
RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 2009 JUN 22 A 9:50

ZONIG DISTRICT: SINGLE RESIDENCE 10

EXISTING LOT COVERAGE = 17.4 %
 PROPOSED LOT COVERAGE = 19.0 %

EXISTING OPEN SPACE = 75.9 %
 PROPOSED OPEN SPACE = 74.3 %

EXISTING BUILDING COVERAGE = 1631.0 S.F.+/-
 PROPOSED BUILDING COVERAGE = 1777.6 SF+/-



SCALE: 1 INCH = 20 FEET
 DATE: MAY 13, 2009

BOSTON SURVEY, INC.
 UNIT C-4 SHIPWAYS PLACE
 CHARLESTOWN, MA. 02129
 (617)242-1313