

**ZONING BOARD OF APPEALS**

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ZBA 2010-48

Petition of Christopher Churchill & Katherine Roosevelt
3 Leighton Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, June 3, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of CHRISTOPHER CHURCHILL & KATHERINE ROOSEVELT requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 8.2 foot by 15.8 foot second story addition on an existing nonconforming structure with less than required right side yard setbacks, at 3 LEIGHTON 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 17, 2010, 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 Katherine Roosevelt and Christopher Churchill (the "Petitioner"). Ms. Roosevelt said that the proposal is to construct a second story addition to change an existing bedroom into a master bedroom. She said that the new addition will be flush with the existing house.

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 3 Leighton Road, on an 11,277 square foot lot, with less than required front yard and right side yard setbacks.

The Petitioner is requesting a Special Permit/Finding that construction of an 8.2 foot by 15.8 foot second story addition on an existing nonconforming structure 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 5/11/10, stamped by Frank Iebba, Professional Land Surveyor, existing and proposed floor plans and elevation drawings, dated 5/11/10, revised 5/28/10, prepared by Abeles & Associates, and photographs were submitted.

On June 2, 2010, 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 opinion of this Authority that construction of an 8.2 foot by 15.8 foot second story addition on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for construction of an 8.2 foot by 15.8 foot second story addition, 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

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm