

**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. 2208J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

ZBA 2010-70  
Petition of Tibma Build Design  
45 Ingraham Road

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Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, August 5, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of TIBMA DESIGN BUILD requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that replacement of an existing 7.3 foot by 14.2 foot porch with a one-story structure with less than required front yard setbacks, and construction of a 7.3 foot by 11.5 foot one-story addition that will meet all setback requirements, on an 8,440 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 45 INGRAHAM ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 19, 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 was Dan Tibma (the "Petitioner"). He said that the goal is to create a family room.

Mr. Tibma said that the plan is to take a living room that is not used, capture space from an existing porch and add an addition adjacent to the porch and living room.

Mr. Tibma said that addition will add more character to the house. He said that there will be a full basement below with additional space above.

The Board said that the lot size is nonconforming. The Board said that it is a corner lot with nonconforming side yard and the front yard setbacks.

The Board said that it is a unique home. The Board said that an existing front elevation drawing had been submitted but not a proposed elevation drawing. The Board said that a rendering was submitted showing the side elevation. Mr. Tibma submitted proposed front and right side elevation drawings.

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 45 Ingraham Road, on an 8,440 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 29.6 feet and a minimum side yard setback of 5.4 feet.

The Petitioner is requesting a Special Permit/Finding that replacement of an existing 7.3 foot by 14.2 foot porch with a one-story structure with less than required front yard setbacks, and construction of a 7.3 foot by 11.5 foot one-story addition that will meet all setback requirements, on an 8,440 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 7/14/10, stamped by stamped by David E. Lukens, Registered Professional Land Surveyor, Existing and Proposed Floor Plans, dated 7/14/10, Existing Front Elevation, dated 7/14/10, Proposed Right Side Simulation, dated 7/14/10, and Proposed Front and Right Side Elevation Drawings, prepared by Tibma Design Build, and photographs were submitted.

On August 3, 2010, the Planning Board reviewed the petition and recommended that the request be granted.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that although replacement of an existing 7.3 foot by 14.2 foot porch with a one-story structure with less than required front yard setbacks, and construction of a 7.3 foot by 11.5 foot one-story addition that will meet all setback requirements, on an 8,440 square foot lot in a district in which the minimum lot size is 10,000 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 for replacement of an existing 7.3 foot by 14.2 foot porch with a one-story structure with less than required front yard setbacks, and construction of a 7.3 foot by 11.5 foot one-story addition that will meet all setback requirements, 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.

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J. Randolph Becker, 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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