



ZONING BOARD OF APPEALS

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

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ZBA 2014-104
 Petition of James P. Kane
 98 Brook Street

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 WELLESLEY MA 02452
 2014 DEC 18 P 2:05

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 4, 2014 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JAMES KANE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition and reconstruction of an existing nonconforming porch with less than required front yard and left side yard setbacks, on the same footprint, on a 19,561 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, at 98 BROOK STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 17, 2014, 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 Laurence Shind, Esq. and James Kane, (the Petitioner). Mr. Shind said that the request is for approval to replace an existing nonconforming one-story sunporch on the left side of the existing home with a new one-story sunroom to be built on the same foundation, using the same footprint and knee wall as the existing porch. He said that the porch is in need of repair. He said that the only difference in size will be that the sunroom will have a pitched roof whereas the sunporch has a flat roof. He said that the proposed roof will be slightly higher but has to stay lower than the second floor windows. He said that the Petitioner spoke with the neighbor who is adjacent on that side and the neighbor had no objection to the plan.

The Board confirmed that the sunroom will be primarily a glass structure composed of fairly skeletal mullions and glass. The Board asked how the glass structure will be lighted. Mr. Kane said that an I-beam will carry the ridge of the roof. He said that they will run a wire through it for a light and a ceiling fan. He said that there will be two lights, one on the ceiling fan and probably a table or floor lamp. He said that the room will be used as a greenhouse/reading room.

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 98 Brook Street, on a 19,561 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum front yard setback of 21.6 feet and a minimum left side yard setback of 10.4 feet. The existing garage has a minimum left side yard setback of 10.2 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition and reconstruction of an existing nonconforming porch with less than required front yard and left side yard setbacks, on the same footprint, on a 19,561 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/16/14, stamped by Susan Sullivan, Professional Land Surveyor, Floor Plans, dated 2/23/14, and Elevation Drawings, dated 2/23/14, 3/11/14 & 10/29/14, prepared by Brady-Built Sunrooms, and photographs were submitted.

On December 2, 2014, the Planning Board reviewed the petition and recommended that the Special Permit 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 demolition and reconstruction of an existing nonconforming porch with less than required front yard and left side yard setbacks, on the same footprint, on a 19,561 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet is intensifying an existing nonconformity, such intensification shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted for demolition and reconstruction of an existing nonconforming porch with less than required front yard and left side yard setbacks, on the same footprint, on a 19,561 square foot lot in a Single Residence District in which the minimum lot size is 20,000 square feet, 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.

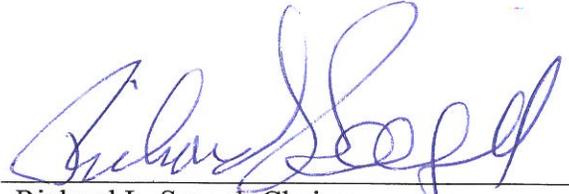
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

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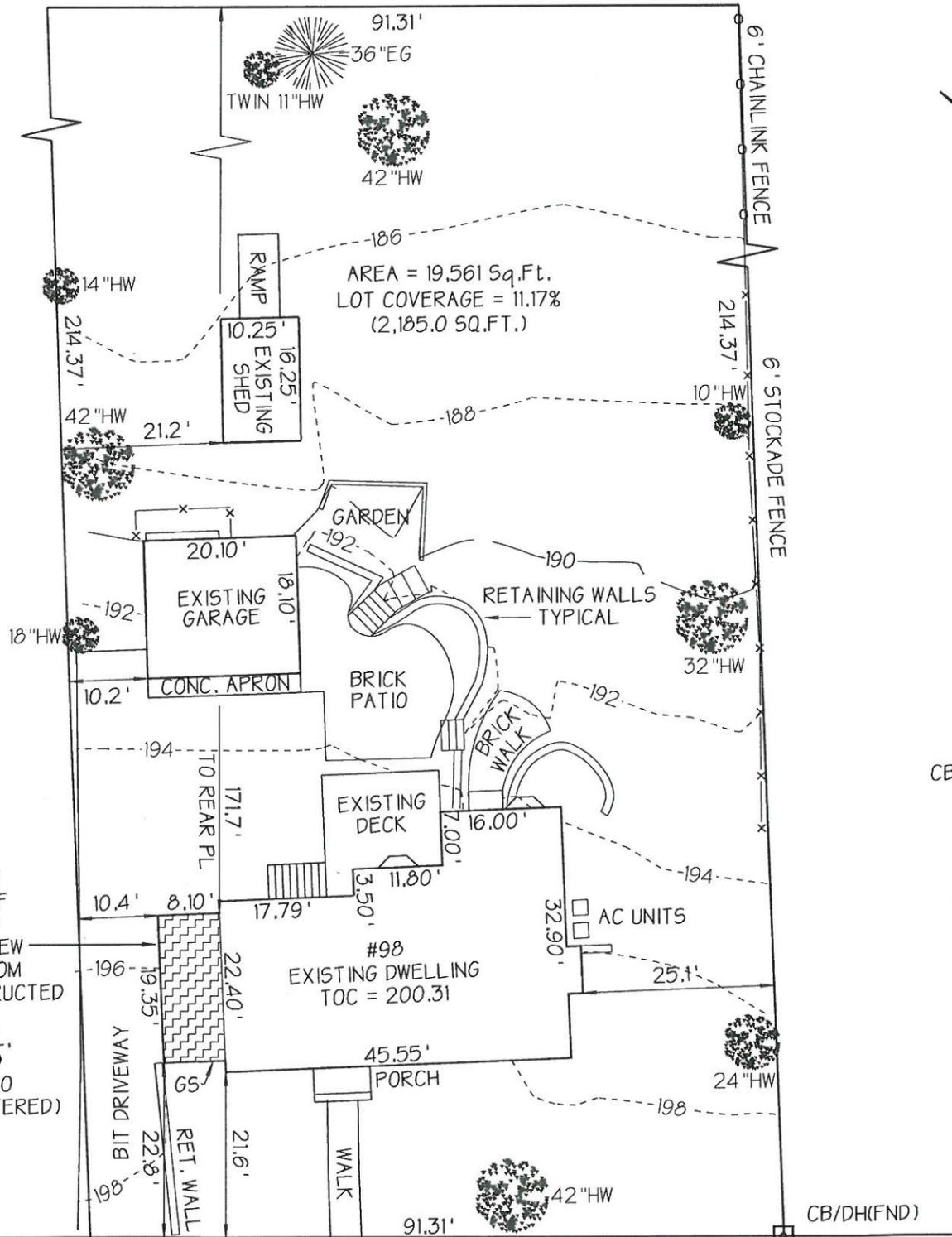
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


J. Randolph Becker


David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm



SINGLE STORY EXISTING ROOF & WINDOWS TO BE RAZED & NEW GLASS SUNROOM TO BE CONSTRUCTED
(18" KNEEWALL, FLOORING AND FOUNDATION TO REMAIN UNALTERED)



SITE DATA
98 BROOK STREET, WELLESLEY
RECORD OWNER: JAMES P. KANE
ASSESSORS MAP 89 PARCEL 34
DEED BOOK 31614 PAGE 350
PLAN BOOK 1496 PAGE 179
ZONE SRD 20
TABLE 1
FRONT YARD: 30-FT
SIDE YARD: 20-FT
REAR YARD: 20-FT
MAX. LOT COVERAGE = 25% OR 2,500 SQ.FT.
EXISTING LOT COVERAGE = 2,185 SF = 11.17%
PROPOSED LOT COVERAGE = 2,185 SF = 11.17%
SEE ZONING BOARD OF APPEALS 94-49

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2014 NOV 17 P 3:22

LEGEND

- CB/DH(FND) CONCRETE BOUND WITH DRILL HOLE FOUND
- GS GAS SERVICE
- UP UTILITY POLE
- HW HARDWOOD TREE
- EG EVERGREEN TREE

PLOT PLAN
98 BROOK STREET
WELLESLEY, MASSACHUSETTS

DATE: OCT. 16, 2014
SCALE: 1"=20'

www.foresite.com



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16 Gleasondale Road Suite 1-1
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1877PP.2D

BROOK STREET

BIT. SIDEWALK
GRASS STRIP
EDGE OF PAVEMENT