



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

APR 16 1 35 PM '93

JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATES

ELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019 X208

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181

ZBA 93-20  
Petition of Frederick T. Kubitz  
12 Kenilworth Circle

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 25, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of FREDERICK T. KUBITZ requesting a Special Permit pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at his property containing a nonconforming dwelling, with less than the required right side yard; and a pre-existing nonconforming garage, with less than the required left side yard, at 12 KENILWORTH CIRCLE, in a Single Residence District, shall not intensify the existing nonconformities or create additional ones:

1. Demolition of a portion of an existing deck and construction of an addition approximately 20 feet by 23 feet 4 inches, creating an infill between the existing dwelling and the nonconforming garage.
2. A covered porch approximately 4 feet 2.5 inches by 23 feet 4 inches.
3. A deck approximately 8 feet by 18.5 feet.
4. A screened porch approximately 14 feet by 14 feet at the rear of the conforming dwelling.

All the proposed construction complies with all zoning requirements.

On March 8, 1993, 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 Frederick Kubitz, who said he would like to build an addition between the garage and the house, a deck and a screened porch. The house is slab on grade, and more space is needed. There is no intention to use the additional space for a home office.

No other person present had any comment on the addition.

#### Statement of Facts

The subject property is located at 12 Kenilworth Circle, in a Single Residence District, on a 22,125 square foot lot containing a nonconforming dwelling with a minimum right side yard clearance of 19.92 feet and a nonconforming garage with a minimum left side yard clearance of 11 feet.

ZBA 93-20  
Petition of Frederick T. Kubitz  
12 Kenilworth Circle

APR 16 1 35 PM '93

The petitioner is requesting a Special Permit to construct the following:

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181

1. A one-story addition approximately 20 feet by 23 feet 4 inches creating an infill between the nonconforming dwelling and the nonconforming garage, with an adjoining roofed open porch approximately 4 feet 2.5 inches by 23 feet 4 inches. Said porch will have a conforming front setback of 35.61 feet and a conforming left side setback of more than 20 feet. The infill addition will have a conforming front setback of more than 39 feet and a conforming left side setback of more than 20 feet.

2. An open wood deck approximately 8 feet by 18.5 feet, 6 inches above ground, on the left side of the dwelling, with a conforming left side yard of more than 20 feet and a conforming rear yard setback of more than 60 feet.

3. A one-story screened porch approximately 14 feet by 14 feet at the rear of the nonconforming dwelling, which would have a conforming right side setback of 46.35 feet and a conforming rear yard setback of 62.95 feet.

All of the proposed construction conforms to all zoning requirements.

A Plot Plan dated February 12, 1993, stamped by Douglas L. Liston, Professional Land Surveyor; First floor plan (A-1), Elevations (A-2) and Sections & Roof Plan (A-3) dated 3/93, drawn by Frederick Kubitz; and photographs were submitted.

On March 15, 1993, the Planning Board reviewed the petition and voted to offer no objection to the granting of the Special Permit.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Both the garage and the dwelling do not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed construction of the one-story infill addition, the open roofed porch, the open wood deck, and the one-story screened porch comply with all zoning requirements and therefore, will not intensify the existing nonconformities or result in additional ones.

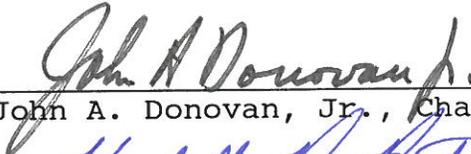
A Special Permit is hereby granted for the proposed additions subject to construction in accordance with the Plot Plan and construction drawings submitted as noted in the foregoing Statement of Facts.

ZBA 93-20  
Petition of Frederick T. Kubitz  
12 Kenilworth Circle

The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and detailed construction plans.

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.

cc: Planning Board  
Inspector of Buildings  
edg

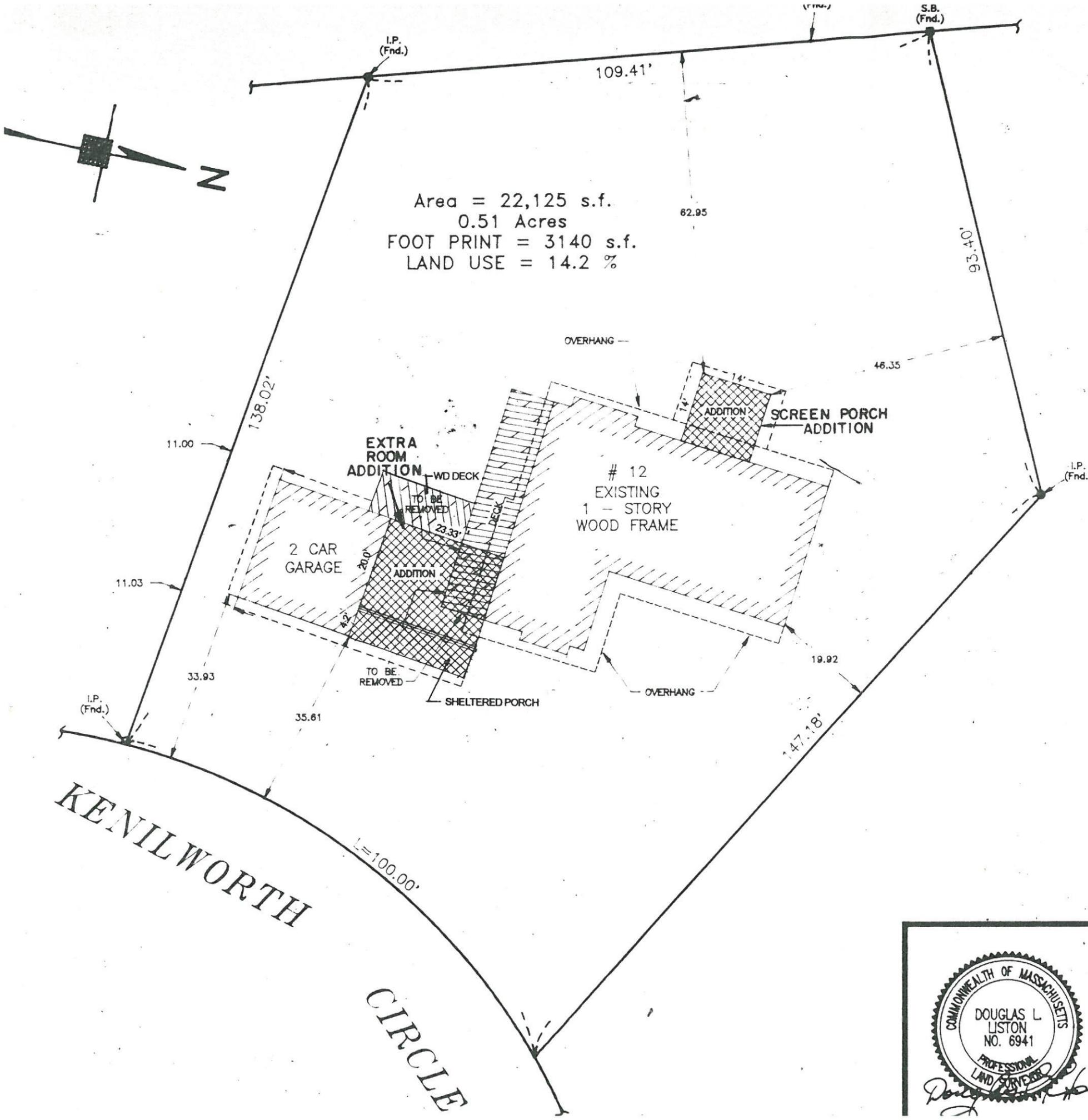
  
\_\_\_\_\_  
John A. Donovan, Jr., Chairman

  
\_\_\_\_\_  
Kendall P. Bates

  
\_\_\_\_\_  
Robert R. Cunningham

Apr 16 1 35 PM '93

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181



Area = 22,125 s.f.  
 0.51 Acres  
 FOOT PRINT = 3140 s.f.  
 LAND USE = 14.2 %

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

I CERTIFY THAT THE STRUCTURES AND DIMENSIONS SHOWN HEREON WERE OBTAINED FROM A FIELD SURVEY MADE ON THE GROUND ON FEBRUARY 11, 1993 AND ARE CORRECT.

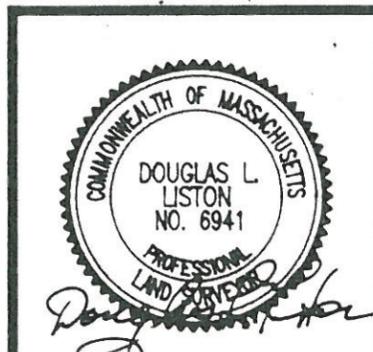
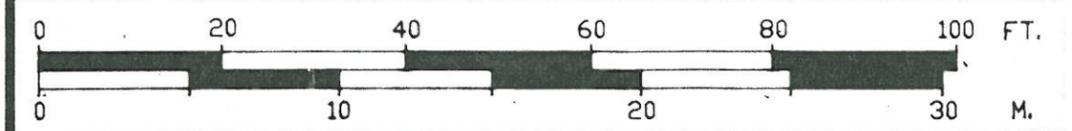
*Douglas L. Liston* DATE: FEBRUARY 12, 1993  
 DOUGLAS L. LISTON P.L.S.

RECEIVED  
 TOWN CLERK'S OFFICE  
 WELLESLEY, MA 02181  
 MAR 8 10 15 AM '93

PLAN SHOWING PROPOSED ADDITIONS  
 at #12 Kenilworth Circle  
 in WELLESLEY, MASSACHUSETTS  
 for FREDERICK KUBITZ

**LISTON ASSOCIATES, INC.**  
 Civil Engineers • Land Surveyors  
 30 BOSTON POST ROAD, WAYLAND, MASSACHUSETTS 01778 (508) 358-2713

SCALE: 1" = 20'



DRAWN BY: JOE G. FEB. 12, 1993