



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

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ZBA 94-74

Petition of Henry A. and Marjorie B. Lyden
46 Cliff Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 17, 1994 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 HENRY A. AND MARJORIE B. LYDEN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the raising of the ridge line of the roof approximately 5 feet above the existing nonconforming second floor sun porch at 46 CLIFF ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said sun porch is approximately 11.4 feet by 15.2 feet, with less than the required front setback from HAWTHORNE ROAD, and will be enclosed and incorporated into the interior structure of the building. There will be no change in the footprint.

On October 31, 1994, the petitioners 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 Henry Lyden, who said that the existing second story sunroom has a flat roof, which he would like to modify to a pitched roof in order to avoid problems such as ice dams. The windows on the porch will be reduced from ten to four. There will be no expansion of the floor space.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 46 Cliff Road, on a 29,835 square foot lot, in a Single Residence District, and has a minimum front yard clearance of 24.5 feet from Hawthorne Road.

The petitioners are requesting a Special Permit/Finding to raise the ridge line of the second story sun porch approximately 5 feet, and to enclose the sun porch, reducing the number of windows from 10 to 4, and incorporating the sun porch, which is approximately 11.4 feet by 15.2 feet, into the interior structure of the dwelling. Said sun porch has a minimum front yard clearance of 24.5 feet from Hawthorne Road.

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A Plot Plan dated October 14, 1994, drawn by Joseph Marcklinger, Registered Land Surveyor; Existing Floor Plans and Elevations (EX 1-3) and Proposed Floor Plan and Proposed Elevation (A-4, A-6) dated 5/9/94, revised 9/27/94, drawn by Vincent Codispoti, Jr.; and photographs were submitted.

On November 8, 1994, the Planning Board reviewed the petition and voted to offer no comment.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject sun porch is not in conformance with the current Zoning Bylaw as noted in the foregoing Statement of Facts.

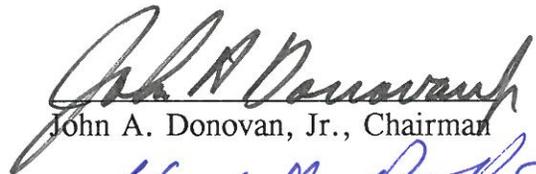
It is the finding of this Authority that the proposed raising of the ridge line of the nonconforming sun porch approximately 5 feet, the proposed external changes to the facade, and incorporation into the internal structure of the dwelling will neither increase the existing nonconformance nor create additional nonconformities as there is no expansion of the footprint or additional encroachment on the nonconforming front yard.

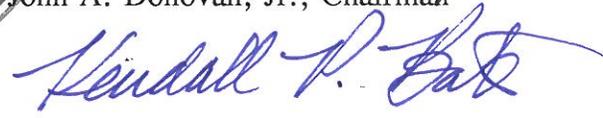
Therefore, a Special Permit is granted for the proposed raising of the ridge line of the sun porch roof approximately 5 feet; alteration of the facade of the sun porch; and enclosure and incorporation of said sun porch into the interior structure of the dwelling, subject to construction in accordance with the submitted plot plan and construction sketches.

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.

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

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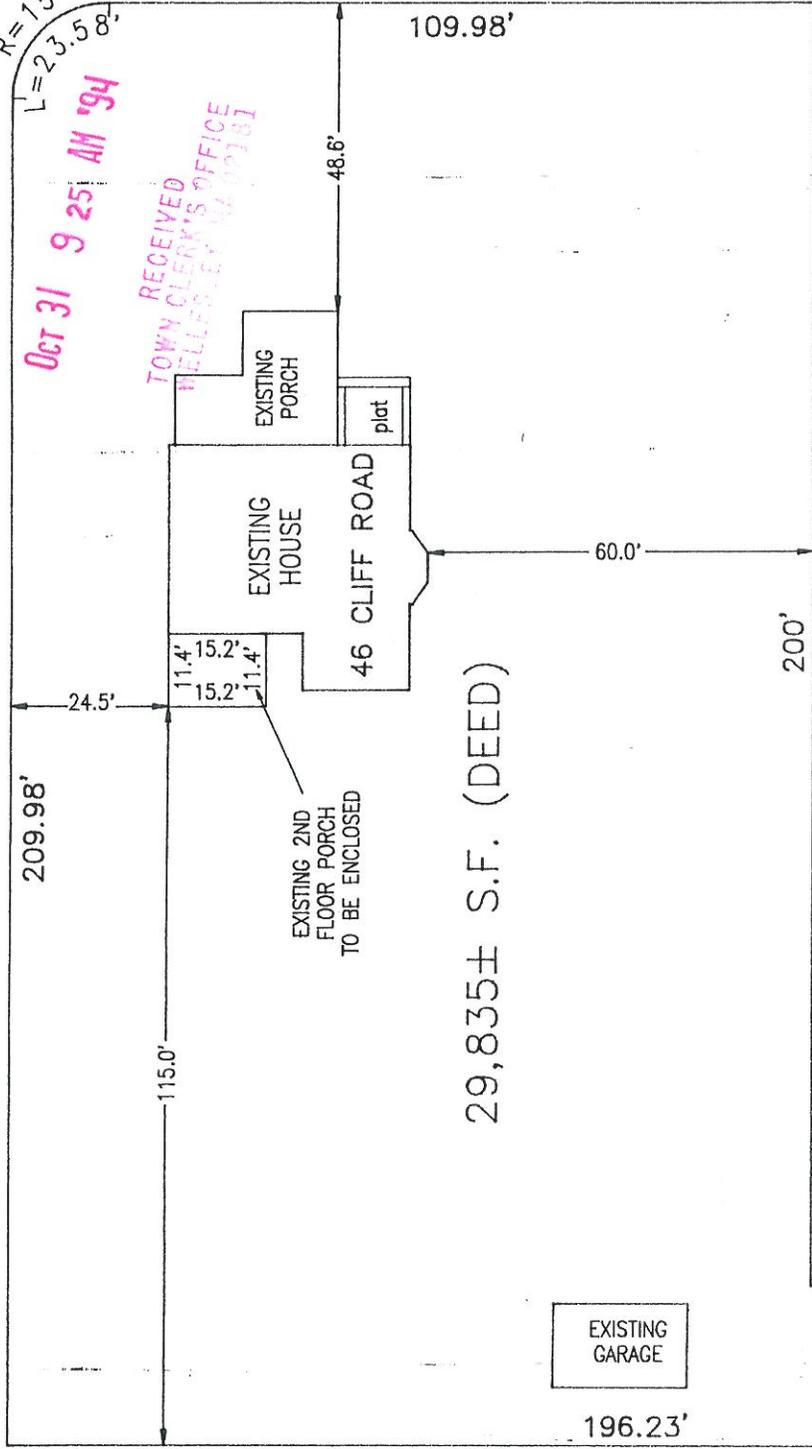
HAWTHORNE ROAD

CLIFF ROAD

CUSHING ROAD

R=15'
L=23.58'

Oct 31 9 25 AM '94
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29,835± S.F. (DEED)

EXISTING GARAGE



PLAN OF LAND
IN

WELLESLEY, MASS.

Showing Porch to be Enclosed

Scale: 1 in. = 30 ft. October 14, 1994

Everett M. Brooks Company
 49 Lexington Street
 West Newton, MA 02165
 (617) 527-8750

Project No. 18056