

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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ZBA 2001-43

Petition of Michael H. and Diane M. Whelan
5 Essex Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 28, 2001 in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHAEL H. AND DIANE M. WHELAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure of their nonconforming one-story 10.2 foot by 14.1 foot screened porch with less than the required front setback from ESSEX ROAD, at their nonconforming dwelling with less than the required front setback from ESSEX ROAD, at 5 ESSEX ROAD and LOWELL ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On July 11, 2001, the petitioners filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Prior to the presentation of the case by the petitioner, Richard L. Seegel, Acting Chairman, disclosed that he lives at 15 Essex Road, and is a neighbor of the petitioners.

Presenting the case at the hearing was Michael Whelan, who said their objective was to remove the screens in the porch and replace them with windows to prevent the effects of the weather. The footprint will not change, and no other part of the existing structure will be modified.

The Board asked if the house was part of the original structure. Mr. Whelan said the porch was built in 1950 when the house was built.

The Board asked if the room would be heated. Mr. Whelan said it would not be. It will be a three-season room and not used during the winter.

The Board noted that the Planning Board had no objection to the request.

Statement of Facts

The subject property is located at 5 Essex Road and Lowell Road, in a Single Residence District, on a 22,783 square foot lot with a minimum front yard setback of 28.5 feet from Essex Road.

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The petitioners are requesting a Special Permit/Finding that the enclosure of their 14.1 foot by 10.2 foot one-story screened porch, with a minimum front setback of 28.5 feet from Essex Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Plot Plan dated May 17, 2001, drawn by Antoni Szerszunowicz, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated May 1, 2001, drawn by Michael Whelan, Designer; and photographs were submitted.

On June 19, 2001, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

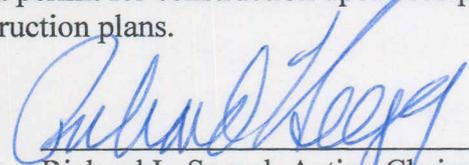
This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

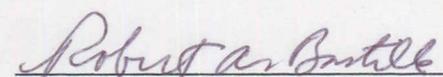
It is the finding of this Authority that the proposed enclosure of the existing nonconforming 14.1 foot by 10.2 foot screened porch shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the enclosure will not intensify the existing nonconformance, nor will it create additional nonconformity.

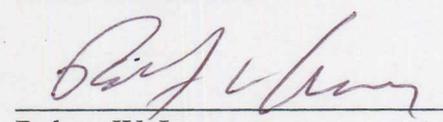
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the enclosure of said porch in accordance with the submitted plot plan and construction drawings.

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.

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.

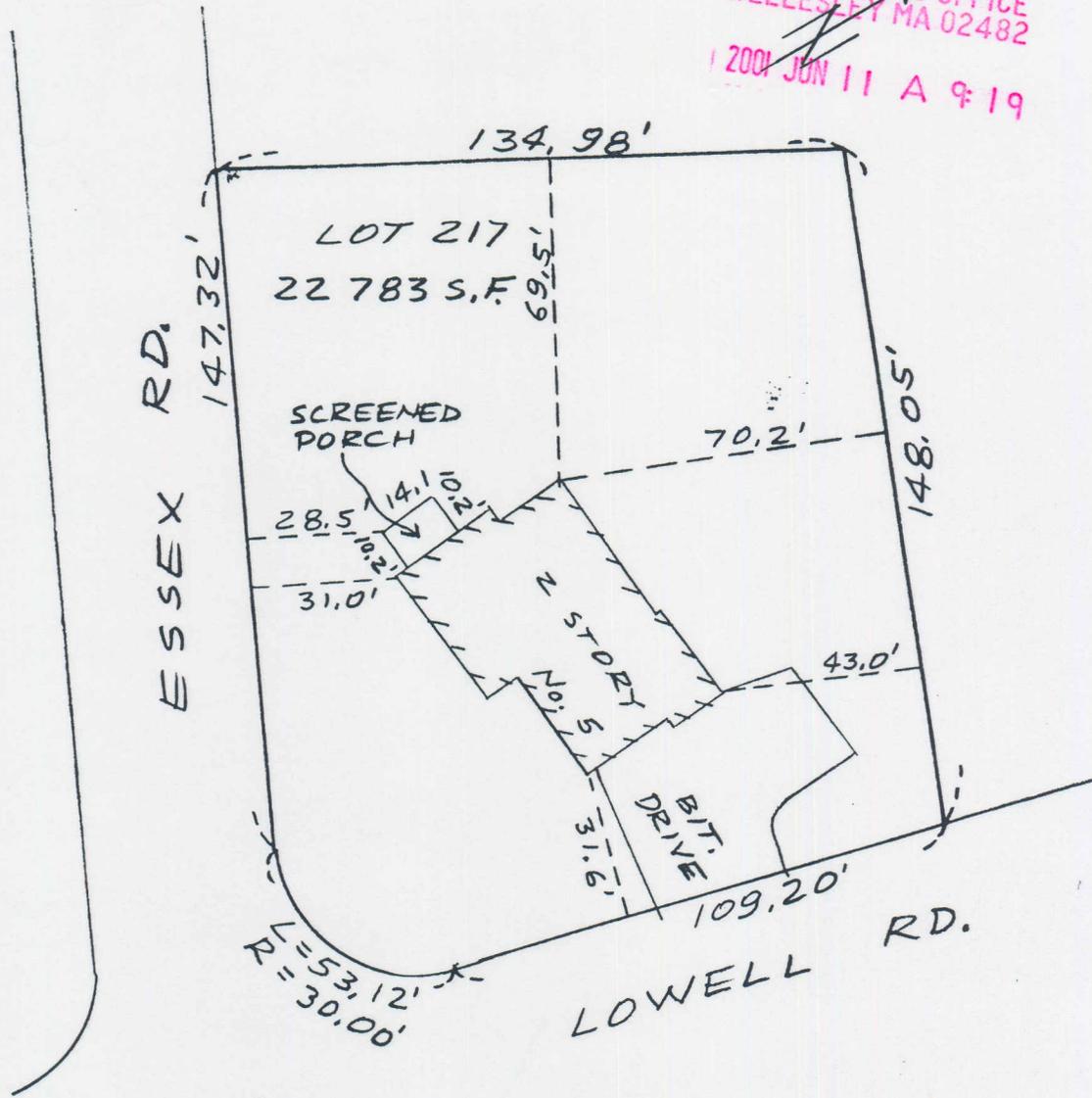

Richard L. Seegel, Acting Chairman


Robert A. Bastille


Robert W. Levy

Cc: Planning Board
Inspector of Buildings
edg

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OPEN SPACE = 82.6 %
LOT COVERAGE = 10.4 %

Antoni Szerszunowicz



AS-BUILT PLAN
5 ESSEX ROAD
WELLESLEY, MASS.

SCALE : 1" = 40'
MAY 17, 2001
ANTONI SZERSZUNOWICZ PROF. LAND SURVEYOR
P. O. BOX 567 MILTON, MA 02186
PHONE: (617) 686-5057