



DEC 9 9 49 AM '92

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATESELLEN D. GORDON  
Executive Secretary  
Telephone  
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WELLESLEY FRANKLIN P. PARKER  
SUMNER H. BABCOCK

ZBA 92-57

Petition of Michael T. and Darsi D. Dowling  
19 Willow Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 19, 1992 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHAEL T. AND DARSIS D. DOWLING requesting a Special Permit/Special Permit Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the alteration and change of use to their pre-existing nonconforming structure at 19 WILLOW ROAD, with less than the required front setback, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing use and structure. Said alterations shall consist of the following:

1. Installation of heat in a pre-existing nonconforming enclosed porch with less than the required front setback, which will change the use of the porch from three-season to year round use.
2. Installation of a bay window with a width of 8 feet, a height of 46 inches and a depth of 13.75 inches on the front of the nonconforming porch with less than the required front setback.

On November 2, 1992, the petitioners filed a request for a hearing before this Authority and thereafter, due notice was given by mailing and publication.

Presenting the case at the hearing was Michael Dowling, who was accompanied by his builder, Peter Bachman. Mr. Bachman said that the porch had been enclosed prior to the "Goldhirsh" decision, but that the change of use and the bay window required a finding.

In response to the Board's question, Mr. Bachman stated that the front setbacks on neighboring homes vary from 15 to 19 feet. He noted that the bay window will not protrude as far as the 2 foot eaves, and, as the porch is very narrow, the window will create more space.

No other person present had any comment on the petition.

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Statement of Facts

The nonconforming dwelling with a minimum front yard clearance of 19.82 feet is located at 19 Willow Road, in a Single-Residence District, on a 8,091 square foot lot.

The petitioners are requesting a Special Permit/Special Permit Finding that the change of use of their pre-existing nonconforming porch from three-season to year round use by the addition of a heating system will not be substantially more detrimental to the neighborhood than the existing use; and a Special Permit Finding that the proposed bay window with a width of 8 feet, a height of 46 inches, a depth of 13.75 inches and a minimum front yard clearance of 19.14 feet, on the front of the nonconforming porch with less than the required front setback will not be more detrimental than the existing nonconforming porch.

A Plot Plan dated October 19, 1992, drawn by John J. Regan, Registered Land Surveyor; construction drawings and elevations dated October 25, 1992, drawn by Residential Builders; and photographs were submitted.

On November 17, 1992, the Planning Board reviewed the petition and recommended denial of both requests.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling is nonconforming in that it has a minimum front yard clearance of 19.82 feet.

It is the opinion of this Authority that the change of use from three-season to year round of the nonconforming enclosed porch by the addition of a heating system will intensify the use of existing nonconforming porch, but that the additional use of the enclosed space during the winter months cannot be deemed to be more detrimental to the neighborhood than the existing use of the nonconforming structure.

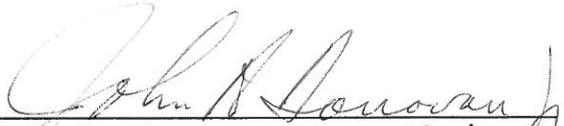
It is the opinion of this Authority that the addition of the bay window will intensify the existing nonconformity by .68 feet. However, it is the unanimous finding of this Authority that the encroachment of .68 feet of the bay window into the front yard setback is de minimus and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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The Inspector of Buildings is hereby authorized to issue a building permit for both the heating system and the bay window, subject to construction in accordance with the submitted plot plan and drawings, and subject to approval of an 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

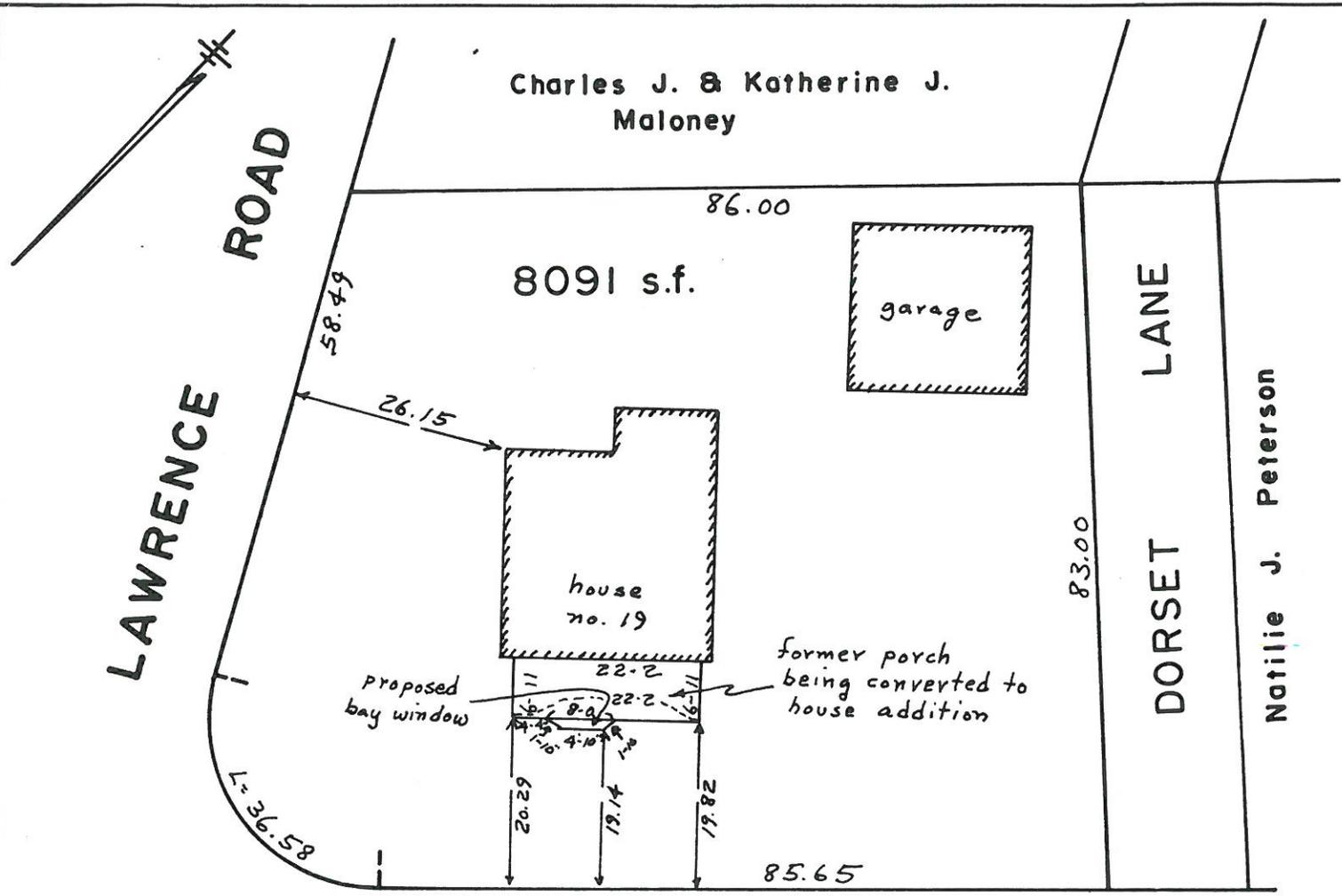
  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert R. Cunningham

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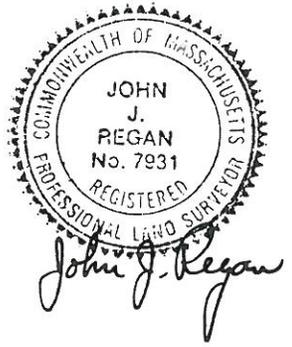
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Note:  
 Lot coverage will  
 be 1228± s.f. or 15.2%

**WILLOW ROAD**

Note:  
 Abutting setbacks -  
 house no. 15 - 22.35'  
 house no. 13 - 19.9'



**PLAN OF LAND  
 IN  
 WELLESLEY MASS.  
 TO ACCOMPANY THE PETITION OF  
 MICHAEL T. & DARSI D. DOWLING  
 19 WILLOW ROAD  
 WELLESLEY**

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 Nov 2 1 37 PM '92

SCALE 1 IN = 20 FT  
 JOHN J. REGAN  
 NEWTON HIGHLANDS

OCT. 19, 1992  
 LAND SURVEYOR  
 MASS.