



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

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ZBA 94-59

Petition of Alison J. McCann and Jeffrey M. Kaplan
5 Lafayette Circle

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 22, 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 ALISON J. McCANN AND JEFFREY M. KAPLAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the proposed enclosure of their nonconforming porch, approximately 9.8 feet by 12.6 feet, to be integrated into the interior structure of their nonconforming dwelling with less than the required right side yard setback at 5 LAFAYETTE CIRCLE, 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 of the porch.

On September 2, 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 Alison McCann, who asked that they be allowed to enclose and heat their screened porch for use as a family room. The three walls of screens would be replaced with three walls of windows, and the interior door would be changed. There will be no change in the footprint.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 5 Lafayette Circle, in a Single Residence District, on a 10,138 square foot lot, and has a minimum left side yard clearance of 9.4 feet, and a minimum right side yard clearance of 9.4 feet.

The petitioners request a Special Permit/Finding to enclose their 9.8 foot by 12.6 foot screened porch, which has a minimum right side yard clearance of 9.4 feet. There will be no change in the footprint of the porch.

A Plot Plan dated August 10, 1994, drawn by Philip D. Lukens, Registered Land Surveyor; Floor plans and Elevations, and photographs were submitted.

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On September 13, 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 dwelling does 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 enclosure of the 9.8 foot by 12.6 porch with a minimum right side yard clearance of 9.4 feet will not intensify the existing nonconforming, nor will it create additional nonconformities as there will be no change in the height or footprint of the structure.

Therefore, the Board unanimously grants a Special Permit for the enclosure of said porch subject to construction in accordance with the submitted plot plan and construction sketches.

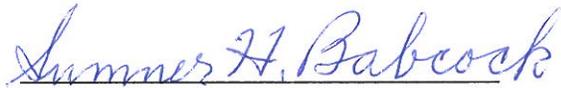
The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and detailed construction plans.

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



Kendall P. Bates, Acting Chairman



Sumner H. Babcock

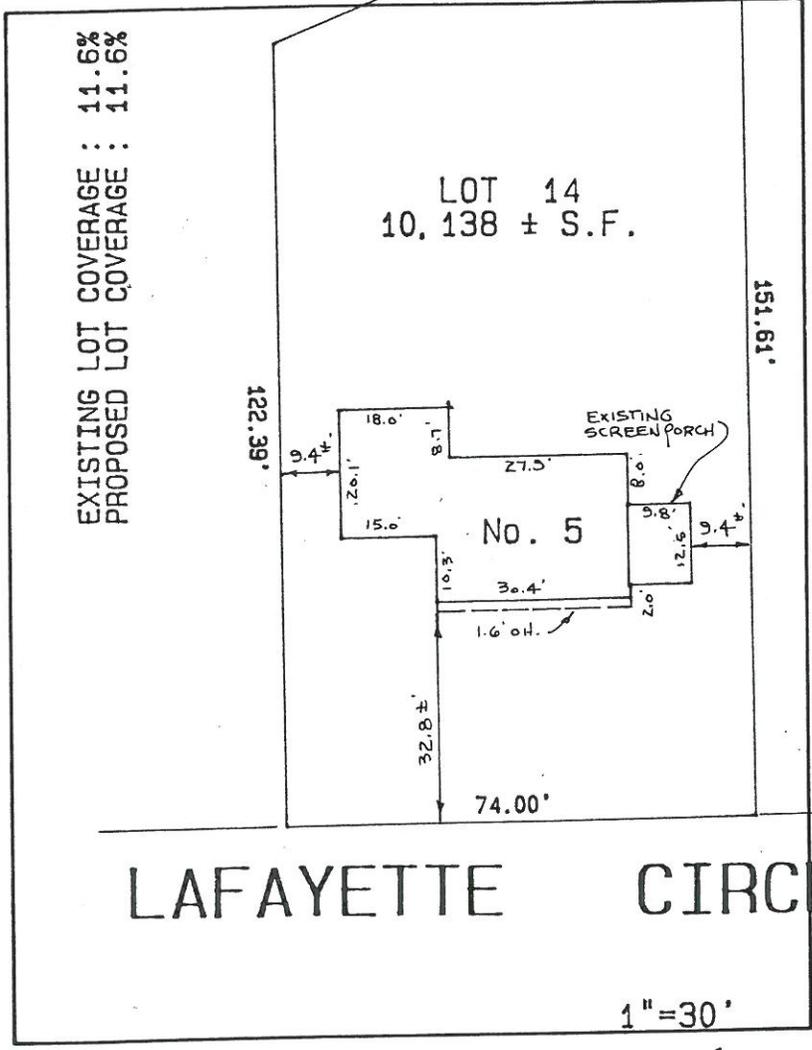


William E. Polletta

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PROPOSED CONSTRUCTION
 CERTIFIED PLOT PLAN



EXISTING LOT COVERAGE : 11.6%
 PROPOSED LOT COVERAGE : 11.6%

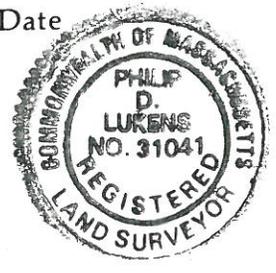
LOT 14
 10,138 ± S.F.

LAFAYETTE CIRCLE

1"=30'

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8-10-94
 Date



Philip D. Lukens
 Reg. Land Surveyor
 GLM ENGINEERING CONS., INC.
 1750 WASHINGTON ST. HOLLISTON, MA
 Address (508) 429-1100