



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 98-96

Petition of Roger Inouye and Karla B. Kanis
23 Roberts Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 19, 1998 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 ROGER INOUYE AND KARLA B. KANIS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing nonconforming 10.1 foot by 12.4 foot screened porch, with less than the required rear yard setback, and construction of a 10 foot by 15 foot 4 inch enclosed porch, with less than the required rear yard setback, at their nonconforming dwelling with less than the required rear yard setback, at 23 ROBERTS ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 2, 1998, 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 were Roger Inouye and Karla Kanis. Mr. Inouye said that they would like to tear down the existing screened porch and replace it. The nonconformance is that the right rear corner of the porch is 18.7 feet from the rear lot line, rather than the required 20 feet. The proposed enclosed porch will be longer, but will have the same setback on the right rear corner.

Mr. Inouye said that they have been to the Wetlands Committee, as there is a creek at the rear of the property. They received a Negative Determination with conditions. The Board stated that the Wetlands decision would be incorporated into the decision.

The Board stated that, in the course of a site visit, an open space was observed beneath the porch, but it appeared there was a foundation wall below the space. Mr. Inouye said it is actually a fake foundation consisting of mesh with stucco covering the lally columns. The new porch would have the same foundation.

The Board noted that the Planning Board recommended denial of the Special Permit, as the porch could be built in a conforming manner, but the Board was of the opinion that the proposed porch would not further encroach on the rear lot line, and could be allowed.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 23 Roberts Road, in a Single Residence District, on a 13,013 square foot lot, and has a minimum rear yard setback of 18.7 feet.

The petitioners are requesting a Special Permit/Finding that the removal of an existing 10.1 foot by 12.4 foot screened porch with a minimum rear yard clearance of 18.7 feet, and construction of a 10 foot by 15 foot 4 inch enclosed porch with the same minimum rear yard clearance, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated October 7, 1998, drawn by Joseph R. Sullivan, Registered Professional Surveyor; Existing and Proposed Floor Plans and Elevations; and photographs were submitted.

On August 26, 1998, the Wetlands Protection Committee issued a Negative Determination of Applicability with conditions for the project.

On November 10, 1998, the Planning Board reviewed the petition, and opposed the granting of the petition as the Board believed that the reconstructed porch should comply with the current setback requirements.

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 finding of this Authority that the proposed demolition of the existing porch and construction of the new porch will not be substantially more detrimental to the neighborhood as the new construction will come no closer to the rear line than the existing porch, and thus will neither intensify the existing nonconformance, nor create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing porch and construction of the new porch, subject to construction in accordance with the submitted plot plan, and further subject to compliance with all conditions stated in the Negative Determination of Applicability issued by the Wetlands Protection Committee.

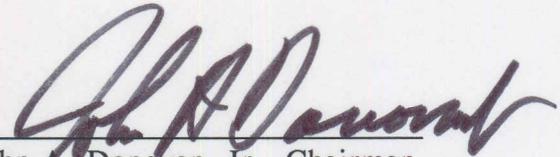
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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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
Wetlands Protection Committee
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


William E. Polletta

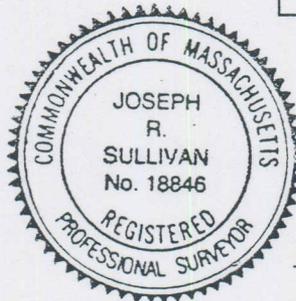
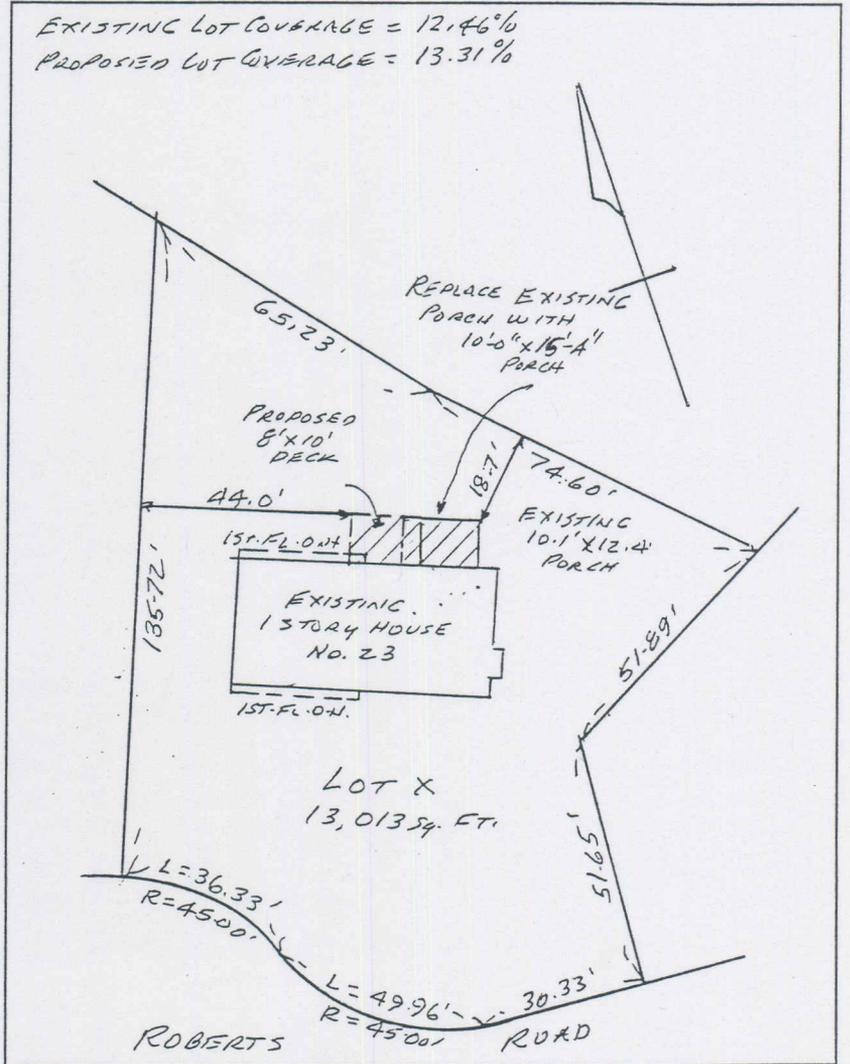

Robert A. Bastille

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PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN



10/7/98
DATE

Joseph R. Sullivan
REG. LAND SURVEYOR

508-626-8101
PHONE

41 BEACON ST. FARMINGHAM, MA
ADDRESS