TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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ZBA 2001-71
Petition of Kevin M. Potts & Tara A. Grabowsky
4 Bryn Mawr Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 13, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of KEVIN M. POTTS AND TARA A. GRABOWSKY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition and reconstruction of an enclosed 17.5 foot by 8.1 foot one-story porch with less than the required front setbacks from both BRYN MAWR and CLAFLIN ROADS, at their nonconforming dwelling at 4 BRYN MAWR 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 August 27, 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.

Presenting the case at the hearing were Kevin Potts and Tara Grabowsky. Ms. Grabowsky said they purchased their home two years ago. The original porch was open, but was enclosed in the 1950's. When it was enclosed, the construction was done without a foundation and was not according to the building code. A new foundation will have to be added. Rather than jacking up the porch and adding the foundation, they were advised to demolish the porch and start again. They would like to take down the porch, pour a new foundation, and replace the porch according to code. The walls will be insulated and windows will be added. They have a bungalow style house, which will not be changed.

The Board asked if the small entrance porch would remain unenclosed. Ms. Grabowsky said it would remain the same.

The Board noted that the Planning Board had requested that the Board condition that no second story ever be built above the reconstructed porch, but decided that, since any future addition would require Board approval, this condition was not necessary.

No other person had any comment on the petition.

Statement of Facts

The subject property is located at 4 Bryn Mawr Road, on the corner of Claflin Road, in a Single Residence District, on a 6,656.54 square foot lot, and has a minimum front yard setback of 17.2 feet from Bryn Mawr Road and a 15.2 foot minimum front setback from Claflin Road.

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The petitioners are requesting a Special Permit/Finding that the demolition of their one-story 17.5 foot by 8.1 foot enclosed front porch, with a minimum front setback of 17.2 feet from Bryn Mawr Road and a minimum front setback of 18.4 feet from Claflin Road; and reconstruction of said porch with the same dimensions and setbacks 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 August 21, 2001, stamped by Rod. D. Carter, Professional Land Surveyor; a Floor Plan and Front and Side Elevations, and photographs were submitted.

On September 4, 2001, the Planning Board reviewed the petition and recommended that a restriction should be added to insure that a second floor would never be placed above the one-story addition.

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 demolition and reconstruction of the enclosed one-story 17.5 foot by 8.1 foot porch shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as there will be no intensification of the existing nonconformity, nor will any new nonconformity be created.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition and reconstruction of said porch according to 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.

Kendall P. Bates, Chairman

Richard L. Seegel

Robert A. Bastille

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CERTIFIED PLOT PLAN

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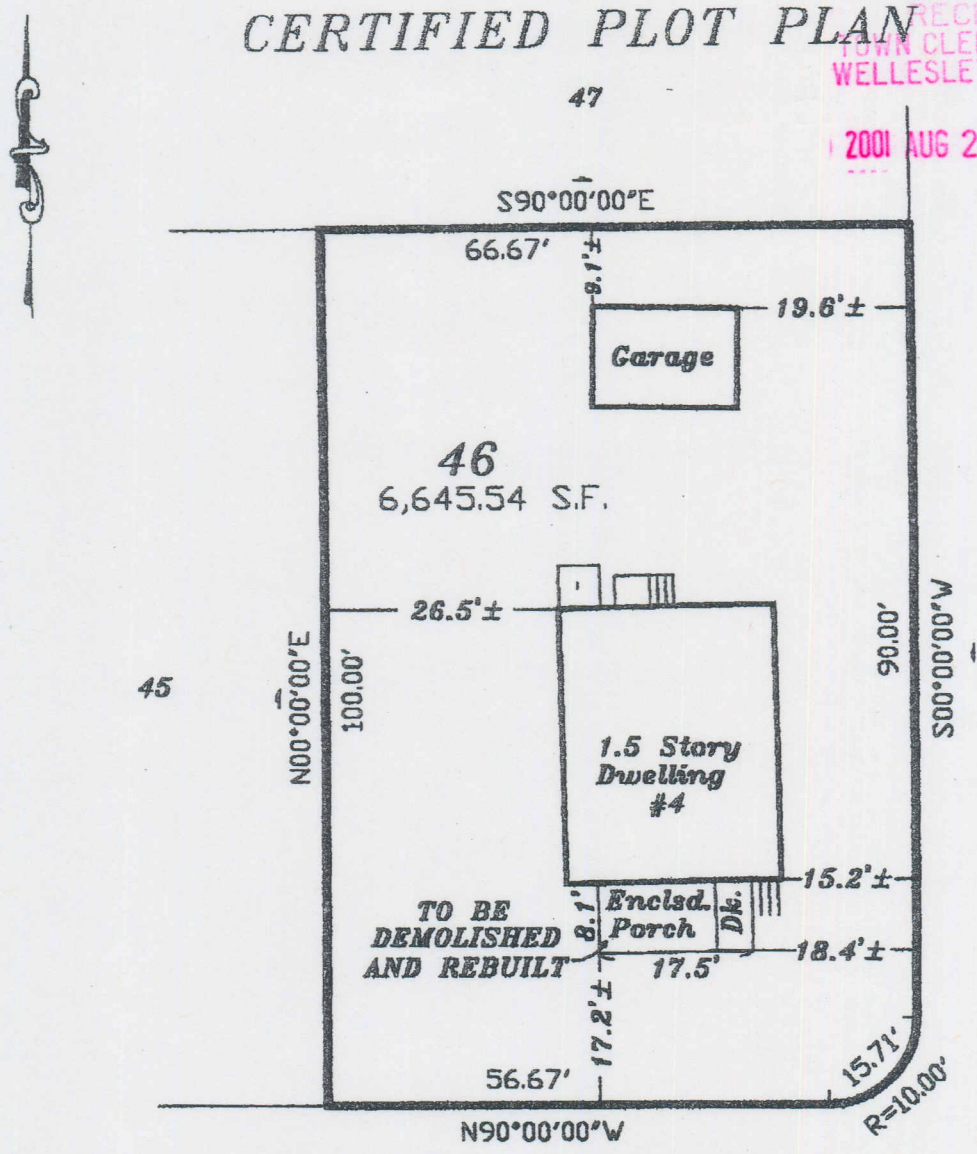
2001 AUG 27 A 9:13



LOT COVERAGE = 16%

I, ROD D. CARTER, A PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE REPRESENTS AN ON GROUND SURVEY BY INSTRUMENT ON, OR ABOUT AUGUST 15, 2001.

SCALE: 1"=20'

ROD CARTER LAND SURVEY CO.
15 Pleasant Street P.O. Box 971
Upton, Massachusetts 01568
888-LND-SURV (563-7878) TEL 508-529-2900
FAX 508-529-0186

Client	TARA GRABOWSKY & KEVIN POTTS
Address	4 BRYN MAWR ROAD WELLESLEY, MASSACHUSETTS
Date	AUGUST 21, 2001
Job #	19668
Registry	NORFOLK
Deed Bk/LCC No.	10618/241
Plan	DB 1542 PG 31

COMMONWEALTH OF MASSACHUSETTS
ROD D. CARTER #34301
PROFESSIONAL LAND SURVEYOR

August 21, 2001