



## ZONING BOARD OF APPEALS

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

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ZBA 2003-48  
 Petition of Guy DeFeis and Amy Collins  
 10 Hill Croft Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 19, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of GUY DeFEIS and AMY COLLINS requesting a variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw to allow demolition of an existing detached garage and construction of a two-story 55 foot by 38.3 foot addition with less than the required rear and front yard setbacks and a second story 22.5 foot by 6.7 foot balcony with less than the required rear yard setback, at their property at 10 HILL CROFT ROAD, in a 10,000 square foot Single Residence District.

On June 2, 2003, 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 Guy DeFeis and Amy Collins. Mr. DeFeis said he and Ms. Collins soon will be married, are joining families, and need more space. Their lot has problems. It thins out in the middle, is sloped and is bordered by three streets. They would like to keep most of the existing cottage and build on it, moving toward the edge of the slope. The front yard setback is very tight. The house is not parallel to the front property line. They are within the coverage requirement.

The Board commented that the new garage would be accessed from Hill Croft Road. Mr. DeFeis said the garage would be beneath the house to take advantage of the slope.

The Board noted that the Planning Board had no objection to granting the variance, but suggested that the Zoning Board make certain there was adequate access for emergency vehicles.

Mr. DeFeis said that the front setback is a problem. They cannot move the house farther back on the lot due to the slope. As the house is not parallel to the lot line, the addition comes closer to the front line than the existing house. The columns supporting the roof over the patio are the problem. The existing front setback is 15.7 feet, but the proposed setback from the last column is 14.5 feet.

The Board stated that there is also a variance situation in the rear, as the existing house is set back 28.6 feet. The addition goes down to 18.2 feet and the second floor balcony goes down to 15.9 feet from the rear line. Mr. DeFeis said the balcony is located on top of the garage, and extends two feet past the garage.

The Board was of the opinion that the lot has an odd shape, and has a definite topographical problem. Mr. DeFeis said the slope affects the construction as the addition is constrained by the slope. The addition is

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proposed to occupy the only flat area. No other lot in the neighborhood that has the slope that their lot has. They have worked on many iterations of the plan before deciding on the one submitted to the Board in which the addition has been reduced as much as is feasible to meet their needs.

Statement of Facts

The subject property is located at 10 Hill Croft Road, in a 10,000 square foot Single Residence District, on a 12,845 square foot lot, and has a minimum front yard clearance of 15.9 feet from Hill Croft Road and a conforming rear yard setback of over 20 feet. The property has frontage of 107.71 feet on High Ledge Road to the east and frontage of 77.03 feet on Overbrook Drive to the west. At midpoint the depth of the lot is approximately 65 feet. The property rises from an elevation of 98 at the western end to an elevation of 120 at the southeastern end of the lot.

The petitioners are requesting a variance to demolish an existing detached garage and construct a two-story 55 foot by 38.3 foot addition with a minimum front setback of 14.5 feet from Hill Croft Road and a minimum rear yard setback of 18.2 feet, and a 22.5 foot by 6.7 foot second floor balcony with a minimum rear yard setback of 15.9 feet.

A Plot Plan dated May 27, 2003 stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated May 5, 2003, drawn by Greg Rapp, Architect; and photographs were submitted.

A letter in support of the petition was received from Mark and Carolyn Grover, 28 High Ledge Avenue.

On June 10, 2003, the Planning Board reviewed the petition and had no objection to granting the request, but suggested that the Zoning Bylaw ascertain that there is proper access for emergency vehicles.

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 because of the shape of the lot and the topography of the lot a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of the existing garage, construction of the two-story 55 foot by 38.3 foot addition and the 22.5 foot by 6.7 foot second floor balcony in accordance with the submitted plot plan and construction drawings.

Prior to the issuance of a building permit, assurance that there is sufficient access for emergency vehicles must be received from the Fire Department.

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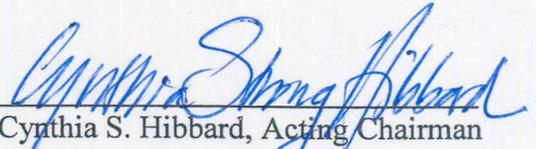
Petition of Guy DeFels and Amy Collins  
10 Hill Croft Road

Subsequent to compliance with this condition, 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.

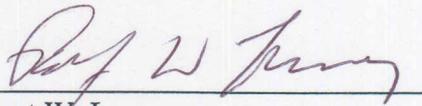
If the rights authorized by this variance are not exercised within one year of the date of time stamp on this decision, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

  
Cynthia S. Hibbard, Acting Chairman

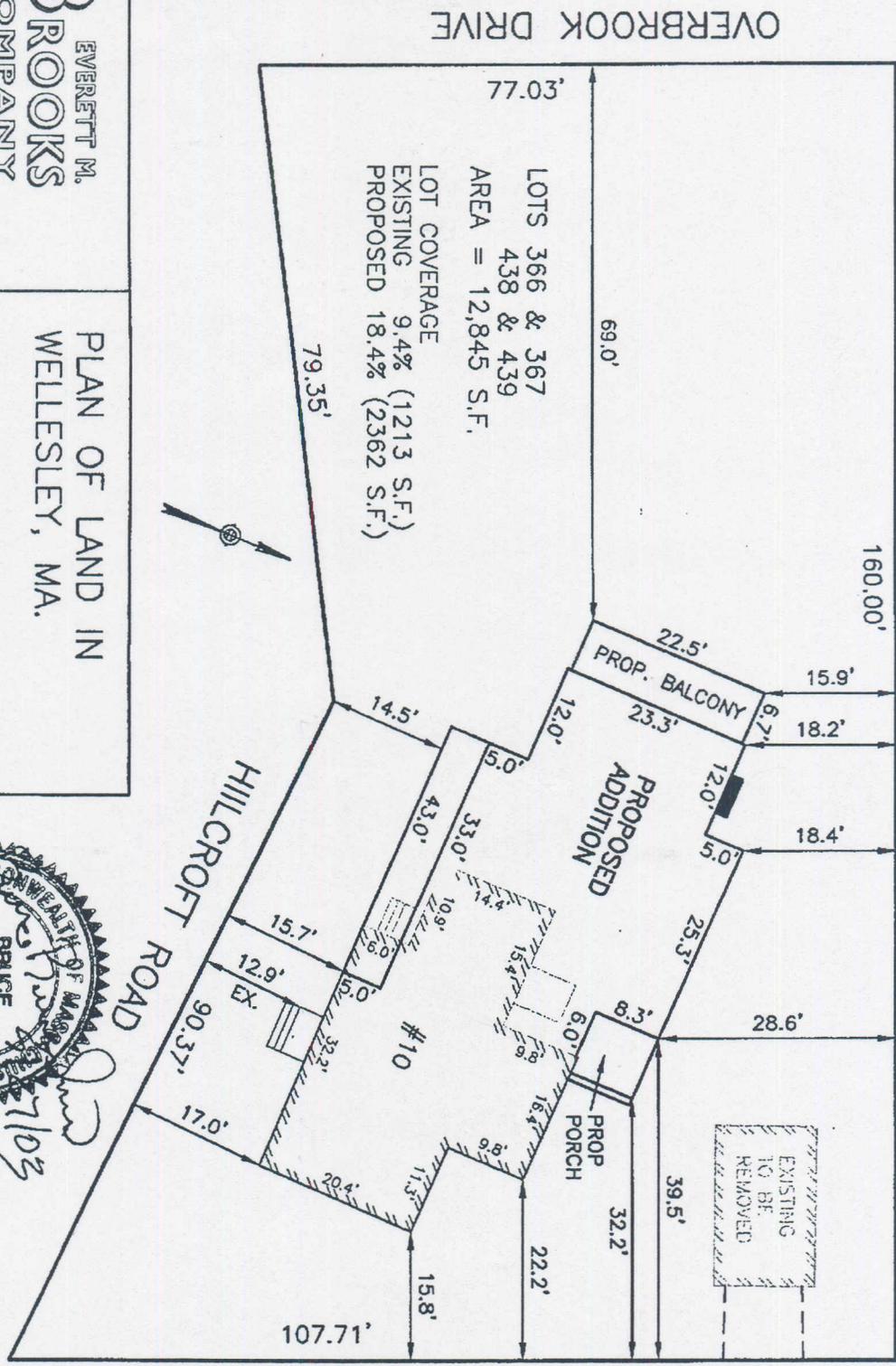
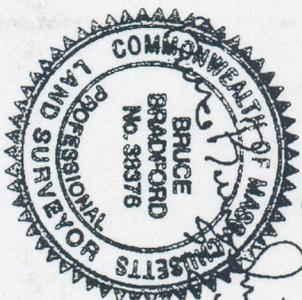
  
Robert A. Bastille

  
Robert W. Levy

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**EVERETT M. BROOKS**  
**COMPANY**  
 ENGINEERS & SURVEYORS  
 49 LEXINGTON STREET  
 WEST NEWTON MA 02465  
 (617) 527-8750  
 PROJECT NO. 19782

PLAN OF LAND IN  
 WELLESLEY, MA.  
 10 HILLCROFT ROAD  
 TO ACCOMPANY THE PETITION OF  
 GUY DEFEIS  
 SCALE 1 IN. = 20 FT  
 MAY 27, 2003



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