

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAMMARY ANN McDOUGALL
Executive Secretary
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235-1664WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

82-18

Petition of T. Mark and Claire M. Morley

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, June 10, 1982, on the petition of T. Mark and Claire M. Morley, requesting a Variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of an addition 20' by 23' to enlarge their kitchen at their dwelling at 2 Seaver Street, on the corner of Forest Street, leaving less than the required setback on Forest Street. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On May 21, 1982, the petitioner filed for a hearing before this Board and thereafter due notice was given of the hearing by mailing and publication.

Present at the hearing and speaking on behalf of the request were T. Mark and Claire Morley. They stated the proposed addition would be screened from Forest Street by a fence, a hill and a heavily wooded area. He stated that the house was built in 1935 with a corridor type kitchen which is inadequate for their family. Mr. Morley stated that he has the support of his neighbors on different sides. He stated that ledge on different parts of the lot precludes building in other directions. Mr. Morley stated that the existing house is actually 40 feet from the street but a 10 foot wide strip of land frontage belongs to the Town. Mrs. Morley stated that Mrs. Crosswell on Forest Street told her she was in favor of the petition.

Mrs. H. G. Young, 48 Clovelly Road, who lives cater-corner to the Morleys, stated she has no objections to the petition, but wonders if it would be precedent setting.

Other than the above mentioned, there were no others present favoring or opposing the request.

Statement of Facts

The property involved is located in a Single Residence District. The locus, 2 Seaver Street, on the corner of Forest Street, contains 9,700 square feet of land.

The petitioners seek a variance to construct an addition 20' by 23' to enlarge their kitchen, which would leave a setback of 10.1' from Forest Street, the required setback being 30'.

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A Plot Plan was submitted, drawn by H. L. Millard, Registered Land Surveyor, of Pilling Engineering Company, Inc., Dedham, Ma., dated April 24, 1982. Construction sketches, showing exterior lines, were submitted, drawn by Richard Vieira, as were four photographs of the petitioners property and a sketch of the existing first floor.

The Planning Board, in a letter dated May 26, 1982, stated the following: "The Planning Board believes this request constitutes a substantial and unreasonable encroachment on the required street setback which derogates from the intent and purpose of the setback requirement contained in the Zoning Bylaw. The Planning Board unanimously recommends that this petition be denied."

Decision

This Authority has made a careful study of the evidence submitted. This Authority notes that ledge appears to be common to the general area in which the petitioner resides, and finds no evidence that ledge is a condition unique to the petitioners lot.

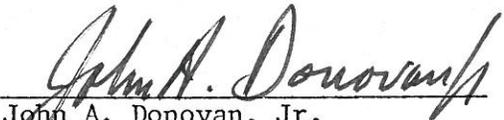
Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

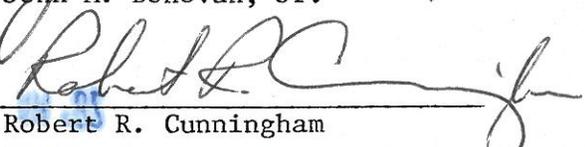
- "1.
 - a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to i)soil conditions, ii) shape, or iii) topography of such land or structures,
 -AND
 - b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D.

Therefore, it is the unanimous opinion of this Authority that this request for a Variance be denied, and this petition is dismissed.

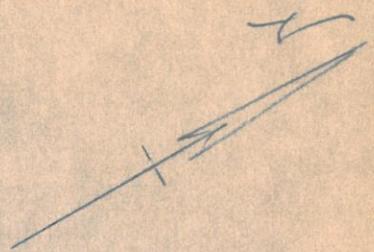

Stephen S. Porter, Chairman


John A. Donovan, Jr.


Robert R. Cunningham

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OFFICE

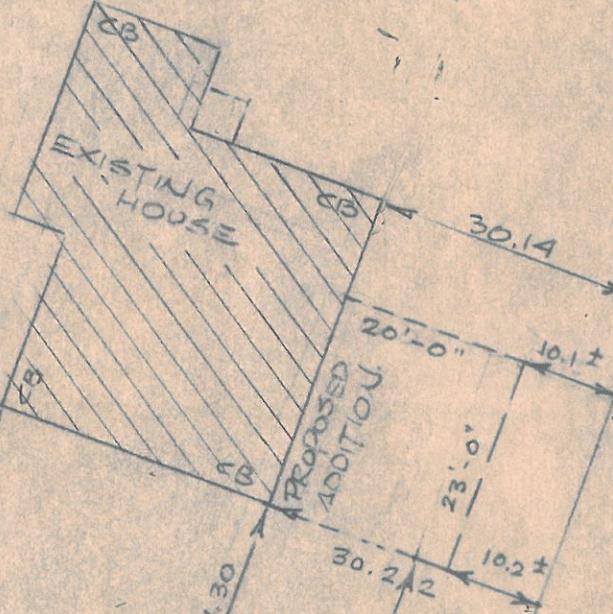
SEAVER ST



LOT 15
9700 SF

L=57.68
R=30.00

LOT 14
87.73



FOREST ST

RECEIVED
CLERK'S OFFICE
WELLESLEY MASS.
MAY 21 10 01 AM '82

I CERTIFY THAT THE BUILDING SHOWN HEREON WAS LOCATED BY A FIELD SURVEY, AND CONFORMED TO LOCAL ZONING LAWS WHEN BUILT AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

Howard L. Millard
REGISTERED LAND SURVEYOR



PLOT PLAN - LAND IN WELLESLEY, MASS		JOB NO.	
PILLING ENGINEERING CO., INC. CONSULTING ENGINEERS 26 NORFOLK ST., DEDHAM, MASS.		DATE APRIL 24, 1982	
		SCALE 1" = 20'	
		ROLL NO. L26-5	
		OF	