



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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82-60

Petition of John J. & Diane D. Dowling

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, December 16, 1982, on the petition of JOHN J. AND DIANE D. DOWLING, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a two-story addition 24' by 17'4" to their dwelling at 14 Bancroft Street, leaving less than the required left side yard. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

It was pointed out at the hearing by the Executive Secretary that the legal notice had, in error, described the addition as being 24' by 27'4", instead of the actual request of 24' by 17'4". Mr. Porter noted that because the legal description was larger than the addition as proposed, it would not be necessary to readvertise the case. A. Richard Cohn, Esquire, attorney for the petitioner, agreed.

On November 24, 1982, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was A. Richard Cohn, Esquire, attorney for Flynn and Flynn, Esquires, Waltham, who presented a copy of the petitioner's brief to each member of the Board and ten pictures of the existing dwelling as seen from various angles. He stated that Mr. and Mrs. Dowling purchased the property in 1976 and that the structure is non-conforming, coming to 11.55' from the left side line, that the porch was added to the dwelling in the 1920's.

Mr. Cohn presented a petition in favor of the request, signed by the following neighbors and abutters: Howard and Ruth Bolles, 4 Bancroft Road, Herbert and Althea Glick, 8 Bancroft Road, John F. Salvati and Dale E. Morse, 28 Bancroft Road, Barbara Block, 26 Heckle Street, Harriet Dishman, 13 Heckle Street, Clorinda Temple, 18 Heckle Street, Judith Rafferty, 30 Bancroft Road, Paul Trifiro, 7 Bancroft Road, Patrick Duran, 25 Bancroft Road, Donna Weber, 28 Heckle Street, Barbara Ayles, 367 Worcester Street, Joseph & Lynn Finn, 27 Heckle Street, Jeanne Willig, 19 Bancroft Road, William and Cynthia Sperbeck, 20 Saunders Terrace.

Mrs. Dowling spoke in favor of the petition. There were no others present favoring or opposing the petition.

Statement of Facts

The property in question is located at 14 Bancroft Road, containing 15,000 square feet of land, in a Single Residence District. It is a legal non-conforming dwelling,

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constructed in 1925. The existing dwelling is a T-shaped house with a one-story porch at the left side, coming to 11.55' from the left side lot line. The proposed addition would be at the rear of the porch and extend the existing lines of the porch.

The petitioners propose to construct a two-story addition, 24' by 17'4", to the rear and left side of their dwelling, coming to 13.2' from the left side lot line at the closest point and 15' from the left side lot line at the extreme rear of the addition. The addition would include a basement, first floor family room, and two bedrooms on the second floor.

A Petitioner's Brief was submitted by A. Richard Cohn, Esquire, attorney for the petitioner, of Flynn and Flynn Esquires, 411 Main Street, Waltham, Ma.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor of Apex Associates, Newton Highlands, dated October 21, 1982. Construction drawings by John Elander, 27 Galen Street, Waltham, dated October 10, 1982, were also submitted.

The Planning Board, at its regular meeting of December 7, 1982, reviewed the request and voted to recommend that the request be denied based on the fact that a two-story addition would represent an unreasonable encroachment on the side lot line.

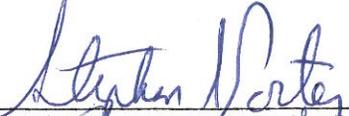
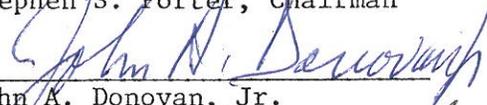
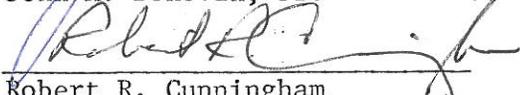
Decision

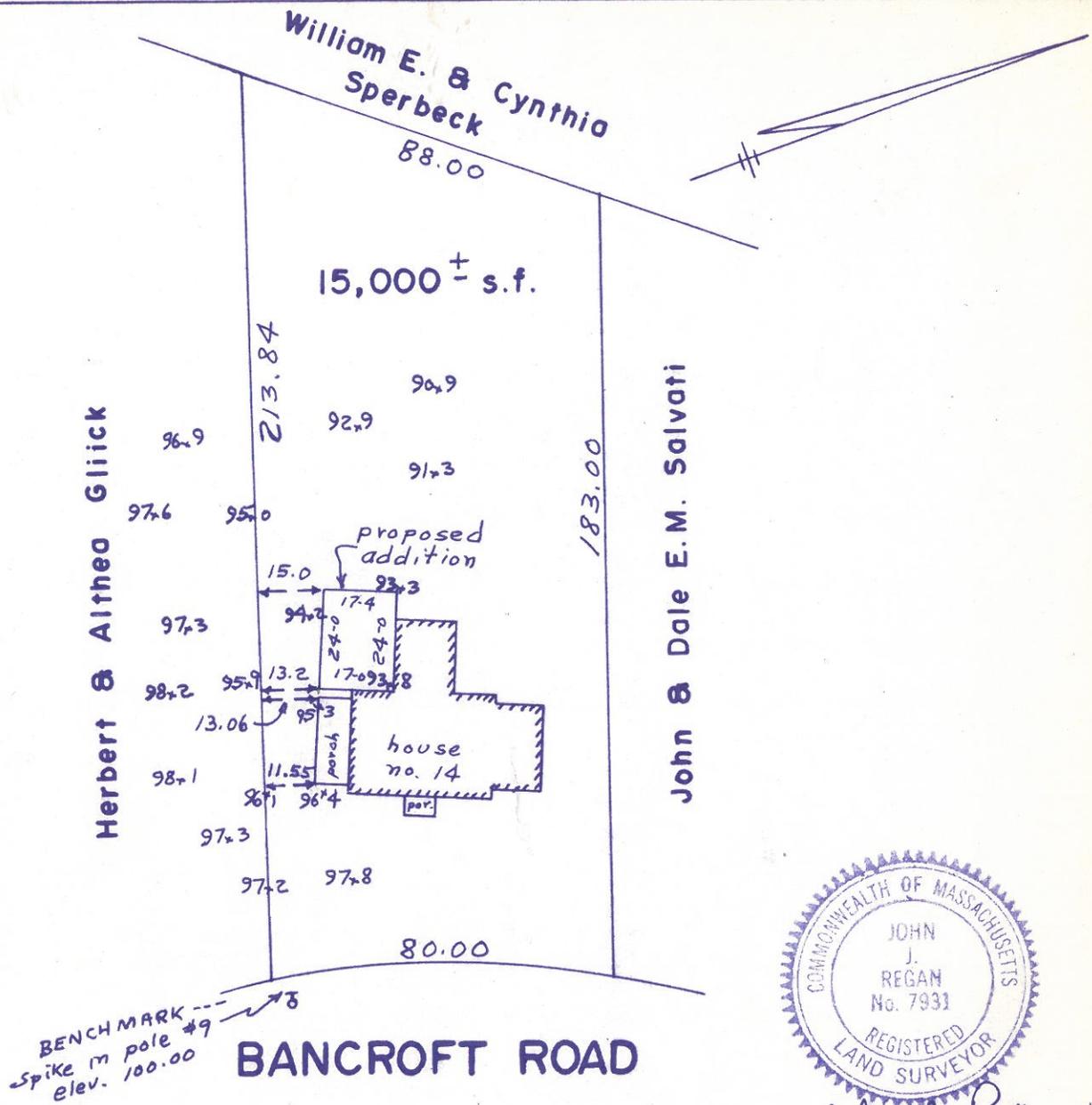
This Authority has made a careful study of the evidence submitted. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 11.55' from the left side lot line.

It is the opinion of this Authority that the proposed two-story addition conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line. It is the unanimous decision of this Authority that because of the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct a two-story addition 24 feet by 17 feet 4 inches as shown on the Plot Plan drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, dated October 21, 1982, coming no closer than 13.2 feet from the left side lot line. The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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Stephen S. Porter, Chairman

John A. Donovan, Jr.

Robert R. Cunningham



John J. Regan

PLAN OF LAND
IN
WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
JOHN J. & DIANNE D. DOWLING
14 BANCROFT ROAD
WELLESLEY

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

OCT. 21, 1982
LAND SURVEYORS
MASS.