



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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SUMNER H. BABCOCK

85-31

Petition of Elizabeth J. Alden and Leo J. Dunn III
68 Dover Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 20, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of Elizabeth J. Alden and Leo J. Dunn III requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaws which will allow the construction of a two-story addition approximately 26 feet by 14 feet at the rear of their dwelling at 68 DOVER ROAD to contain a family room and an enlarged existing bedroom, leaving less than the required right side yard.

On May 30, 1985, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Leo Dunn, who stated that an addition 14 feet by 26 feet is proposed, that the existing house is already 15 feet from the side lot line, that he would be willing to landscape the area so that the addition would not be offensive to the neighbor at 72 Dover Road.

Other than the petitioner, no one was present favoring or opposing the request.

Statement of Facts

The property in question is located at 68 Dover Road, containing 9,578 square feet of land. The existing dwelling is a non-conforming structure with a right side yard of 15 feet.

The petitioner proposes to construct a two-story addition approximately 26 feet by 14 feet at the rear of the dwelling, coming no closer to the right side line than the existing house. The addition would contain a family room on the first floor and an enlarged bedroom on the second.

A Plot Plan was presented, drawn by Michael P. Antonino, Registered Land Surveyor, of Randolph, Ma. dated 4/26/85. Construction drawings were submitted, drawn by Design Partnership Architects, Haverhill, dated February 22, 1985. Photos were also submitted.

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The Planning Board, at its regular meeting of June 4, 1985, voted to oppose the petition due to "lack of required building separation with the dwelling at #72 Dover Road. At the present time the rear line of the house at #68 is almost in line with the front line of the house at #72. There is a small overlap. The proposed addition at #68 will greatly increase this overlap. The result will be a substantial impact on the house at #72."

Letters in support of the request were received from Elizabeth Ross Peterson, 66 Dover Road and Emilie H. Kimball, 88 Leighton Road. A letter was received from Helen S. Paulsen, 72 Dover Road, abutter to the side yard in question, expressing concern that the two-story construction so near to her front door would alter the market value of her home. A letter, dated June 18, 1985, was received from Nancy W. Erne, a real estate broker, commenting on the impact of the addition to the property at 72 Dover Road.

Decision

This Authority has made a careful study of the evidence submitted.

Variances 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.....

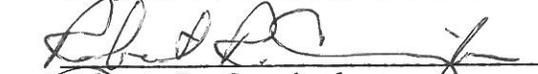
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to i) soil conditions, ii) shape, or iii) topography of such land or structures,AND
- b. Desirable relief may be granted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

Section XXIV-D 3. states: "The concurring vote of all the members of the ZBA, if a three-member Board, shall be necessary to effect any variance in the application of this Zoning Bylaw." Franklin P. Parker fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw. Stephen S. Porter and Robert B. Cunningham dissent from the opinion of Mr. Parker.

The concurring vote of all the members of the ZBA cannot be achieved. Therefore, the variance requested for the addition at 68 Dover Road is hereby denied and the petition is dismissed.

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


Stephen S. Porter, Chairman


Robert R. Cunningham

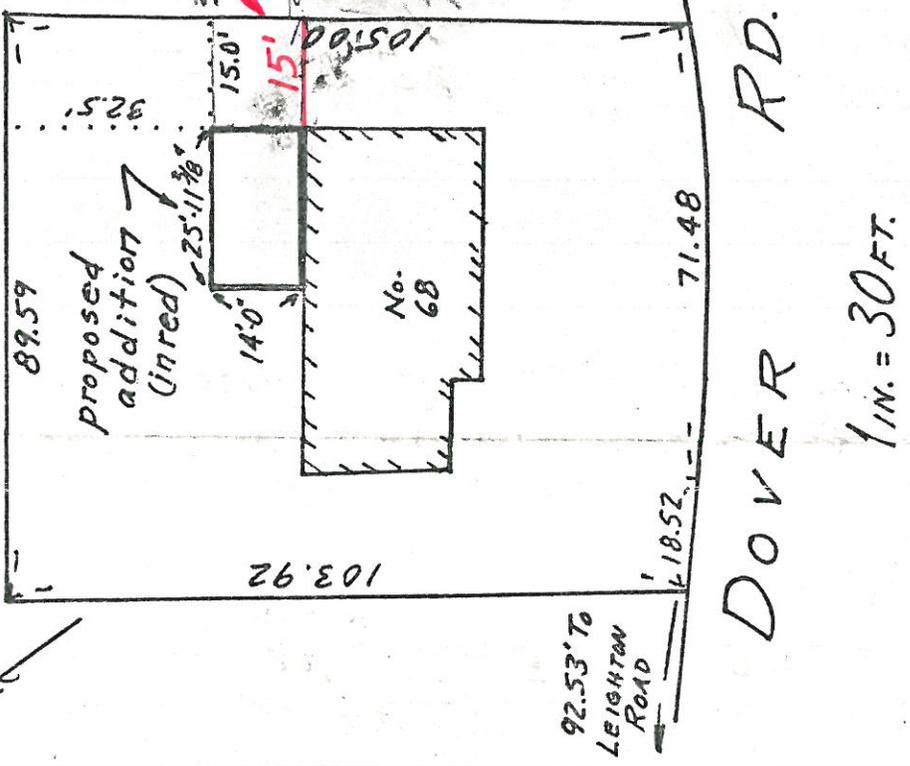

Franklin P. Parker

cc: Planning Board
Building Inspector
mam

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CERTIFIED PLOT PLAN

"WELLESLEY"



M. P. Antonino
5/21/85

9/9/85
7/7/85

Distance on center
 Distance on edge
 E.P. #1 E.P. #2
 Area of base 4.20



M. P. Antonino

MICHAEL P. ANTONINO R.L.S.
17 GLEN LN. - RANDOLPH, MA.

4/26/85