



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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85-55

Petition of Margaret Arnold  
20 Abbott Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 19, 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 MARGARET ARNOLD requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the construction of a one-story addition approximately 24 feet by 12 feet at the rear of the non-conforming dwelling at 20 ABBOTT STREET, said addition to contain a den, leaving less than the required right side yard on the westerly side of the property.

On August 20, 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 Margaret Arnold, who stated that she had just met with the Historic District Commission and that they had accepted her plans. Stephen Kaplan, attorney representing Home Improvement Specialists, Inc., asked to be heard and stated that a substantial hardship exists on the property.

No others were present either favoring or opposing the request.

Statement of Facts

The property in question is located at 20 Abbott Street, containing 5,646 square feet of land, located in a Historic District. The existing house is non-conforming with a left side yard of 16 feet and a right side yard of 7 feet.

The petitioner proposes a one-story addition approximately 24 feet by 12 feet at the rear of the dwelling leaving a right side yard of 13.5 feet to contain a hallway and a den.

A Plot Plan was submitted, drawn by Malcolm E. Austin, Professional Land Surveyor, dated July 9, 1985. Construction drawings were submitted by Home Improvement Specialists, Inc., Walpole, dated April 16, 1985.

The Historic District Commission approved a Certificate of Appropriateness with stated requirements on 9/19/85 concerning the property.

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The Planning Board, at its regular meeting of September 10, 1985, voted ~~offer~~ no objection to the granting of a variance.

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Decision

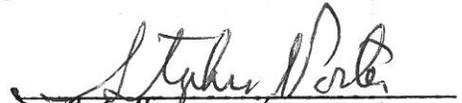
This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 7 feet from the right side lot line and 16 feet from the left side lot line.

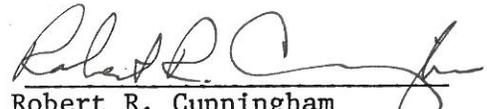
It is the opinion of this Authority that the proposed one-story addition represents less of an encroachment than the existing non-conforming dwelling to the right side line and does not alter the relationship of the house to the right side lot line.

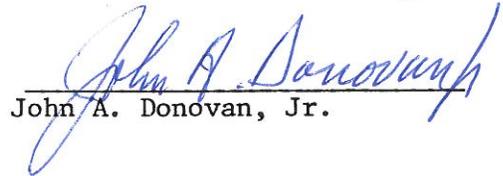
It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable 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 one-story addition at 20 Abbott Street, said addition approximately 10 feet by 24 feet as shown in the Plot Plan drawn by Malcolm E. Austin, Professional Land Surveyor, dated July 9, 1985, coming no closer than 13.5 feet from the right side 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.

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

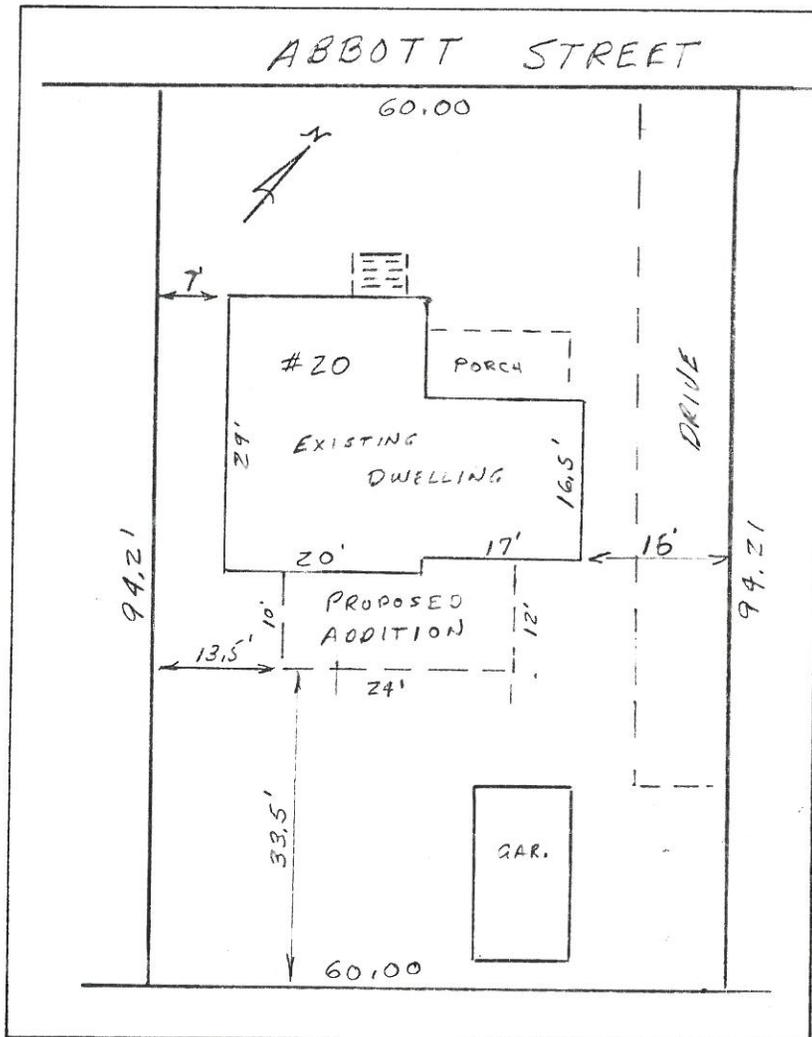
  
John A. Donovan, Jr.

cc: Planning Board  
Building Inspector

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### CERTIFIED PLOT PLAN



*M. E. Austin*

JUL 9 1985