



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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431-1019

ZBA 87-61

Petition of Brad and Amanda Anthony
30 Evergreen Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on August 27, 1987 in the Selectmen's Meeting Room (Conference Room B), of the Town Hall, 525 Washington Street, Wellesley, on the petition of BRAD AND AMANDA ANTHONY requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow an addition to their non-conforming dwelling at ~~39~~ 30 ^{EVERGREEN} RIVER RIDGE, said construction to consist of a second floor bedroom and bath approximately 19 feet by 19 feet, leaving less than the required rear yard setback.

On August 3, 1987, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Stephen Pope, architect for the Anthonys. He stated that when the house was built in 1925, it was situated 9 feet 10 inches from the rear lot line, and that the addition would not encroach further toward that line.

No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 30 Evergreen Avenue in a Single Residence District, containing 10,000 square feet of land. A non-conforming dwelling exists on the property with a rear setback of 9 feet 10 inches. The petitioners propose to build a second floor bedroom and bath approximately 19 feet by 19 feet, leaving a rear setback of 9 feet 10 inches. The addition of the bedroom is necessitated by the addition of a child to the family.

A Plot Plan was presented, drawn by Edmund C. Sheahan, Registered Land Surveyor, dated August 16, 1985. Construction plans drawn by Stephen Pope, dated May 27, 1987 and revised June 17, 1987, were submitted consisting of a Second Floor Plan (A-1), Elevations (A-2), Elevations (A-3), Proposed First Floor Plan (A-4), Existing Floor Plans (Ex-1), Existing Elevations (Ex-2) and Existing Elevations (Ex-3). A cover letter was also submitted by Brad and Amanda Anthony, dated July 16, 1987.

The Planning Board, at its regular meeting of August 11, 1987, voted to offer no objection to the requested second floor addition.

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WELLESLEY, MASS.

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Decision

This Authority has made a careful study of the evidence presented. The particular house in question does not conform to the present Zoning Bylaws in its location on the lot. The dwelling comes to 9 feet 10 inches from the rear lot line.

It is the opinion of this Authority that the proposed second floor addition of a bedroom and bath conforms to the present lines of the house and does not alter the relationship of the house to the rear lot line.

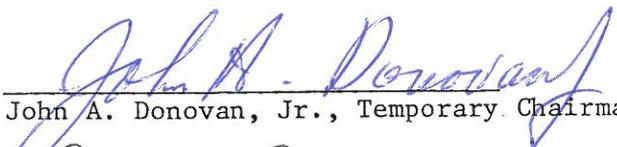
It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted a second floor bedroom and bath, said addition approximately 19 feet by 19 feet, as shown in the Plot Plan by Edmund C. Sheahan, Registered Land Surveyor, dated August 16, 1985, coming no closer than 9 feet 10 inches from the rear lot line.

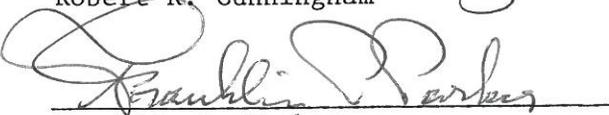
The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, 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 OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.


John A. Donovan, Jr., Temporary Chairman


Robert R. Cunningham

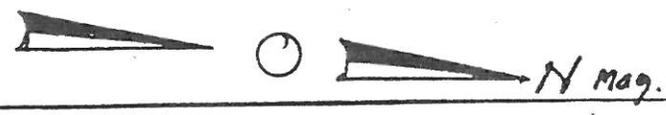

Franklin P. Parker

cc: Planning Board
Inspector of Buildings

edg

SEP 11 3 30 PM '87
TOWN CLERK'S OFFICE
WILMINGTON, MASS.
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CERTIFIED PLOT PLAN



40.00'

EVERGREEN AVENUE
(Private Way)

100.00'

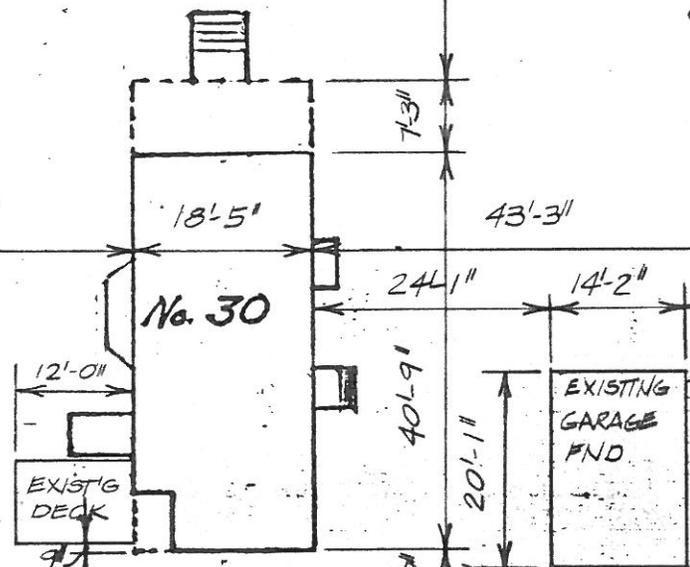
100.00'

100.00'

100.00'

#70 WHEELER
WHEELER

No. 11
BEAN



100.00'

No. 6
BEAN

No. 12
COLLINS

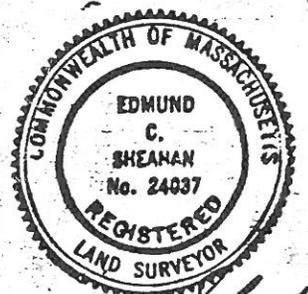
No. 16

PINEVALE AVENUE

0 20 40



Scale 1" = 20'



Edmund C. Sheahan
Dated 16.1985