



OCT 9 10 18 AM '87

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181STEPHEN S. PORTER, Chairman  
JOHN A. DONOVAN, JR.  
ROBERT R. CUNNINGHAMELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCKZBA 87-74  
Petition of John Gillespie  
65 Shore Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 17, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley pursuant to the request of JOHN GILLESPIE requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaws which would allow construction at his non-conforming dwelling at 65 SHORE ROAD which is connected to 64 SHORE ROAD by an attached two-car garage. The construction would consist of the following: 1) Tearing down and reconstruction of the house at 65 SHORE ROAD except for the roof; 2) the addition of 2 rooms over the two-car attached garage; 3) an addition of approximately 8 feet by 2 feet to the right front corner of the house leaving less than the required right side setback; 4) an addition of approximately 8 feet by 4 feet to the right rear corner of the dwelling leaving less than the required right side setback. The existing dwellings have less than the required setbacks and more than the required ground coverage.

On August 24, 1987, the petitioner requested 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 Phillip Lee, Mr. Gillespie's son-in-law, of 20 Shore Road. Mr. Gillespie was not present. Mr. Lee explained that due to extensive rot in the structure, Mr. Gillespie wished to rebuild everything under the roof, squaring off the building at the right front and rear corners. He would then move from 64 Shore Road, where he is presently living, and rent 64 Shore Road. He is presently renting 65 Shore Road as he was under the impression that permission was granted for this use when the roof was attached years ago. The construction at 65 Shore Road would consist of a kitchen, living room, dining room and two bedrooms. Presently, there is a walkway connecting the two homes composed of a screened porch above the two-car garage. This space would be remodeled into two bedrooms.

The Board questioned the need for the two additional bedrooms as 64 Shore Road has 4 and 65 would have two bedrooms. The Board also observed that the lot line ran through the center of the two dwellings. Mr. Lee responded that when the roof had connected the two homes, Mr. Gillespie thought that the two lots were then considered to be one.

The Board also questioned if Mr. Gillespie had ever received a permit to use the structure as a two-family home, and if the property is taxed as such. Mr. Lee had no definitive information.

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

Petition of John Gillespie  
65 Shore Road

OFFICE  
MASS.

Statement of Facts

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The non-conforming dwelling is located at 65 Shore Road on a 4,210 square foot lot in a Single Residence District with a right front corner minimum clearance of 9 feet and a right rear corner minimum clearance of 14 feet. The non-conforming dwelling at 64 Shore Road encroaches on Town property at the left side and rear of the dwelling and is situated on a 4,210 square foot lot. The lots together have a combined total of 8,420 square feet. The dwellings at 64 Shore Road and 65 Shore Road are connected by a two-car garage and cover more than 25% of the total acreage.

On March 11, 1954, the Board of Appeals heard a petition for special exceptions to allow Mr. Gillespie to construct an addition of two bedrooms and a bathroom at 64 Shore Road, leaving less than the required right side yard, to permit the construction of a garage to remain in violation of the Building Code, and to permit the covering by buildings of more than 25% of the area of the lot. Work had been started on the addition and the garage without obtaining the required permits.

A Plot Plan, dated March 1, 1985, drawn by Gleason Engineering Co., showed the garage to be three feet from one dwelling and 6 feet from the other dwelling. The Board granted variances for the completion of the addition and the garage as specified in said plot plan. The Building Permit for the garage (Permit #11870) was issued on April 5, 1954. The plot plan drawn on the application shows the garage attached to 64 Shore Road with a four foot separation from 65 Shore Road, although the dimensions specified on the application are the same as those for which the variance was granted.

A Building Permit (Permit #11869) for construction of two bedrooms and one bath at 64 Shore Road was also issued on April 5, 1954. On the application, the dwelling is described as a single family residence. Permit #13296, issued on May 16, 1958 for construction at 65 Shore Road describes the dwelling as a single family residence. The Board of Assessors currently lists and taxes the dwelling at 64 Shore Road as a multi-family dwelling with no separate listing of a dwelling at 65 Shore Road. No Special Permit has ever been granted for a multi-family dwelling in a Single Residence District on this property.

The petitioner requested a variance to tear down and reconstruct the property at 65 Shore Road, which was scheduled to be heard at the Board of Appeals hearing on June 25, 1987. As the application did not include a plot plan drawn by a Registered Land Surveyor, the Board voted unanimously to allow the petitioner to withdraw his application without prejudice until such a Plot Plan could be submitted.

The petitioner is currently requesting variances to tear down and reconstruct the dwelling under the roof at 65 Shore Road, to square off the right front and right rear corners of said dwelling leaving less than the required right side yard at both corners and to add two rooms over the two-car garage.

A Plot Plan dated July 23, 1987, drawn by U.M. Schiavone, Registered Land Surveyor, and Construction Plans, dated July 9, 1986, drawn by Wellesley Design, were submitted. The Plot Plan shows the dwellings at 64 and 65 Shore Road to be connected by a garage, although no building permit or variance has ever been granted to allow such a connection.

At its regular meeting on August 25, 1987, the Planning Board voted to oppose the granting of the variance as it represented further encroachment on an inadequate right side yard.

Petition of John Gillespie  
65 Shore Road

Decision

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

The petitioner is currently in violation of Section II A 8 (a), Section XVIII and Section XIX of the Zoning Bylaws. Variances may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D(1)(b) as quoted from the Zoning Bylaw):

"1...

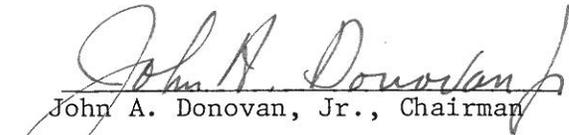
- b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

This Authority finds that the petitioner is currently in violation of the Zoning Bylaws and that desirable relief could not be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

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

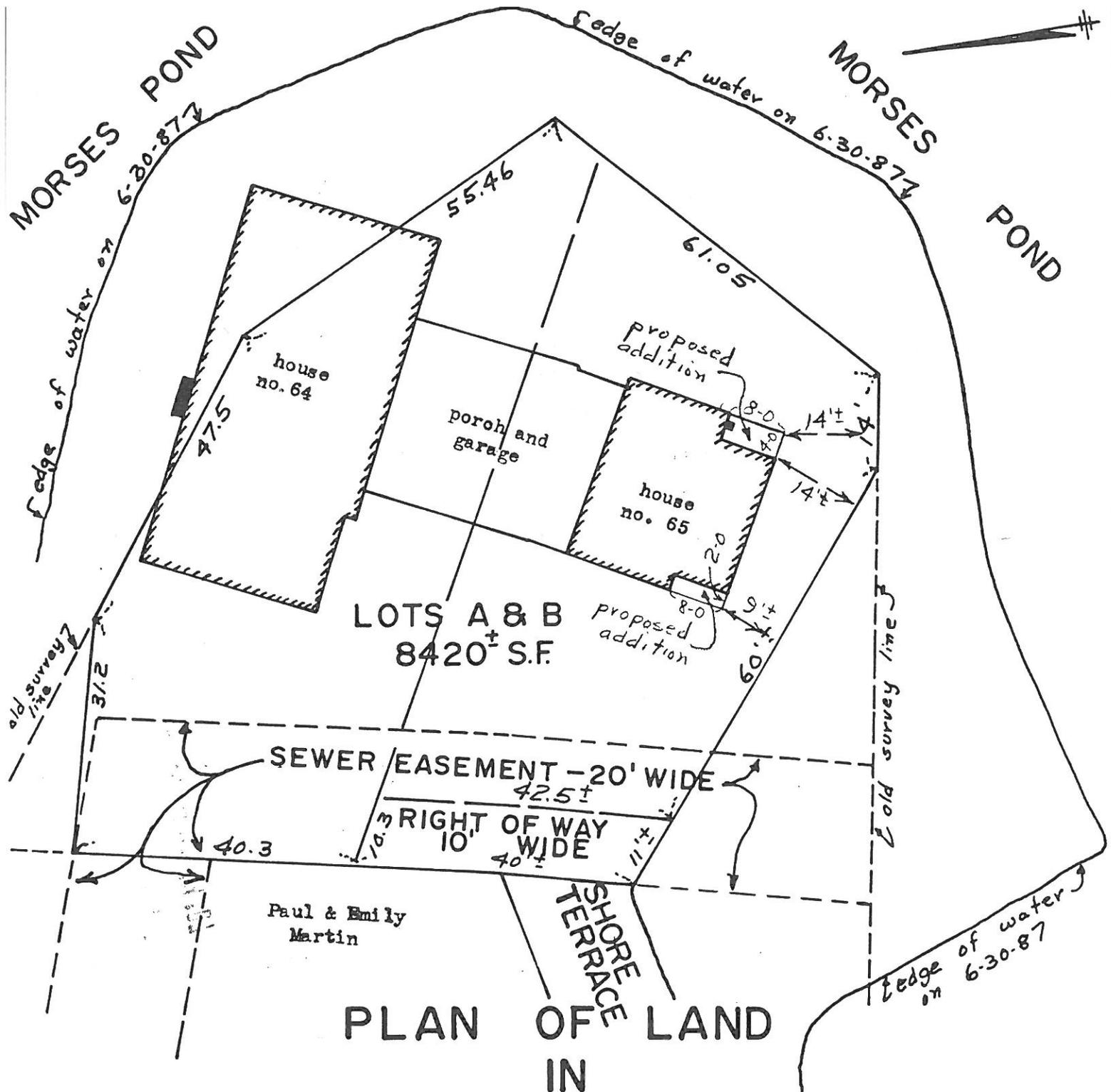
cc: Planning Board  
Building Inspector

  
John A. Donovan, Jr., Chairman

  
Robert R. Cunningham

  
William E. Polletta

RECEIVED OFFICE  
TOWN CLERK'S OFFICE  
FREETOWN, MASS.  
OCT 9 10 29 AM '87



**PLAN OF LAND  
IN  
WELLESLEY MASS.**

TO ACCOMPANY THE PETITION OF  
**JOHN P. GILLESPIE**  
65 SHORE ROAD  
WELLESLEY



*U.M. Schiavone*

SCALE 1 IN = 20 FT  
U.M. SCHIAVONE  
NEWTON LOWER FALLS

JULY 23, 1987  
LAND SURVEYOR  
MASS.

HISTORY OF PROPERTY AT #64 & #65 SHORE RD.  
Wellesley, Mass.

These dates are approximate, and as close  
to the exact dates as I can recall.

- 1951 -- Purchased property
- 1954 -- Added two-car garage between  
the two houses.
- 1957 -- Added two rooms to #64.
- 1970 -- Added roof over garage.

John P. Gillespie

RECEIVED  
OWN CLERK'S OFFICE  
WELLESLEY, MASS.  
JUN 3 2 08 PM '87

Permit No 12848

St. Shore Rd. .... No. 64 ... Lot ....

Date ... October ... 11, ... 19 56 ..

Owner ... J. P. Gillespie ..... Address 64 Shore Road .....  
has permission to ~~build~~, alter, ~~or~~ ~~reconstruct~~

Type of Building ... Dwelling ..... Dimensions .28x16.....

Description ... Add two rooms 28'x16' to rear present house ..... Area of Lot .....

Builder ... J. P. Gillespie ..... Address 64 Shore Road .....

Architect ..... Address .....

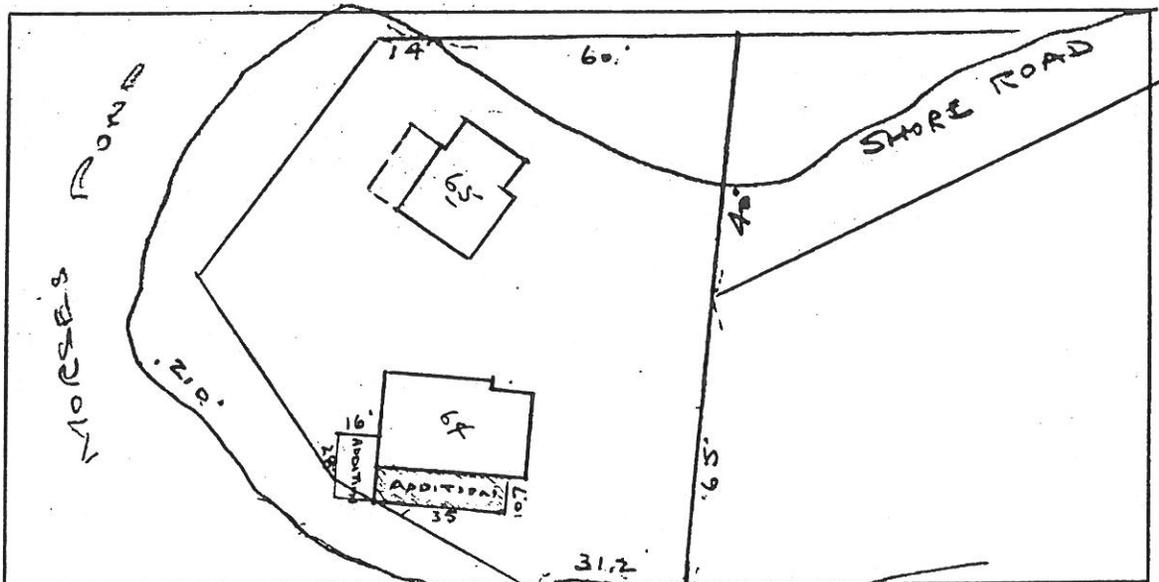
Estimated Cost \$...1500.....

Lathing

Plumbing  
Heating  
Gas Fitting

Fee Paid \$ 3.00 .....  
1.00 adv.

PLOT PLAN



This plot plan must be completed by the surveyor or engineer.