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ZONING BOARD OF APPEALS AUG 29 9 28 AM '97

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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ZBA 97-63

Petition of Lois Smiley
12 Clovelly Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 21, 1997 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of LOIS SMILEY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to construct a 14 foot by 29.3 foot one-story addition, which will have a minimum front setback of 33.5 feet, as within a distance of 500 feet, the closest front setback is 49.7 feet at 20 CLOVELLY ROAD, at her conforming dwelling at 12 CLOVELLY ROAD, in a Single Residence District.

A variance is also requested for the same reasons to construct a 5.5 foot by 25.3 foot roofed porch, which will have a minimum front setback of 30.3 feet.

On August 4, 1997, the petitioner filed a request for 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 Lois Smiley, who said she would like to build a small addition facing the street, which would have the 30 foot setback requirement. However, the house at 20 Clovelly Road, within 500 feet, has a front setback of 49.7 feet.

Mrs. Smiley said that the house has a steep drop to the street, which makes the use of the front entrance difficult. She enters the house through the garage and the basement. All the houses on the other side of Clovelly Road are very close to the street. She would like proper access to her home. The addition will serve as a studio for her artwork.

The Board commented that while it is always concerned about a deviation from other homes on the street, this appears to be an unusual situation. The houses are very far apart, and do not appear to be set on a uniform building line.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 12 Clovelly Road, in a Single Residence District, on a 23,182 square foot lot, and has a conforming front setback of 50.7 feet.

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The petitioner is requesting a variance to construct a 14 foot by 29.3 foot one-story addition, which will have a minimum front setback of 33.5 feet, as within a distance of 500 feet, the closest front setback is 49.7 feet at 20 Clovelly Road. A variance is also requested to construct a 5.5 foot by 25.3 foot roofed porch, which will have a minimum front setback of 30.3 feet.

A Plot Plan dated June 23, 1997, revised June 24, 1997, drawn by Joyce E. Hastings, Registered Professional Land Surveyor; Floor Plans and Elevations dated 6/23/97; and photographs were submitted.

On August 12, 1997, the Planning Board reviewed the petition, and was divided in its recommendation.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling presently conforms to the current Zoning Bylaw.

It is the opinion of this Authority that although the variance requested is for 16.2 feet for the one-story addition and 19.6 feet for the roofed porch, the front elevations of the affected houses for which 12 Clovelly Road would establish a new front setback are firmly established, and it is unlikely that advantage would be taken of this new front setback.

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

Therefore, the requested variances to construct both the one-story addition and the roofed porch are granted, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plot plan and construction drawings.

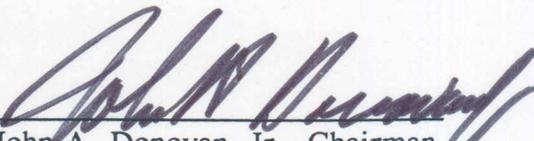
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and detailed construction plans.

If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and maybe re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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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
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates

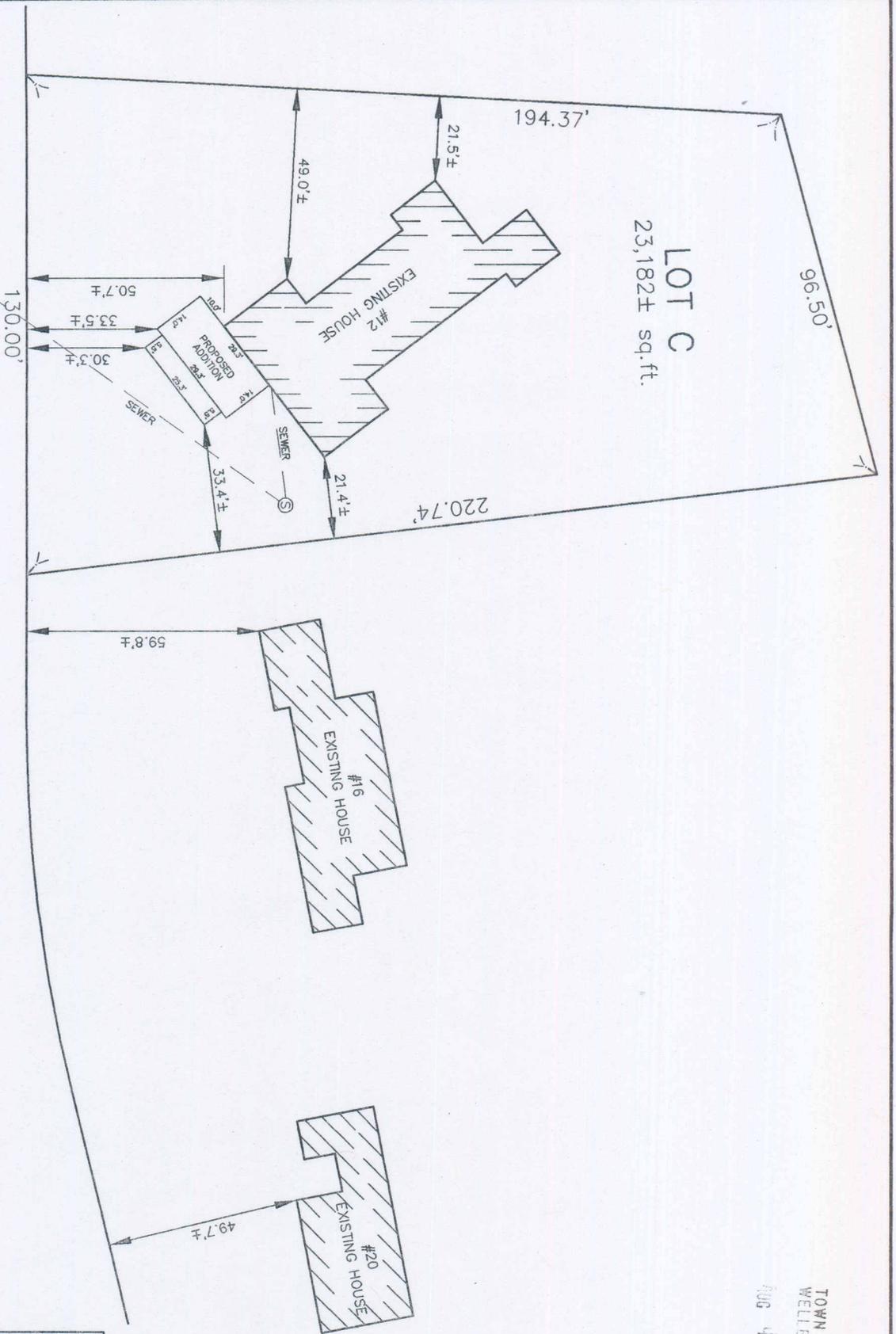

Robert A. Bastille

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Aug 4 12 13 PM '97

LOT C
23,182± sq. ft.

CLOVELLY ROAD



LOT COVERAGE
EXISTING = 10.0%
PROPOSED = 12.3%

I CERTIFY THAT THE BUILDINGS ON THIS
PROPERTY ARE LOCATED AS SHOWN ABOVE



REGIS. LAND SURVEYOR

JUNE 23, 1997

DATE

NOTE:

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION
DIGSAFE IS TO BE NOTIFIED 72 WORKING HOURS IN ADVANCE OF CONSTRUCTION.
DIGSAFE 1-800-322-4844



PLDT PLAN OF LAND
IN WELLESLEY MASS.

SCALE : 1" = 30'
REV. JUNE 23, 1997
REV. JUNE 24, 1997
GLM ENGINEERING CONSULTANTS INC.
1750 WASHINGTON STREET
HOLLISTON, MASS. 429-1100

JOB #9265