

**ZONING BOARD OF APPEALS**

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

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1998 MAY -8 A 8:05

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ZBA 98-34

Petition of Donald E. Schwarz and Diane C. Furlong  
102 Manor Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 30, 1998 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 DONALD E. SCHWARZ AND DIANE C. FURLONG requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their nonconforming dwelling with less than the required front setback from MANOR AVENUE, at 102 MANOR AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. Construction of a 2.6 foot by 42.3 foot extension of the front of the dwelling.
2. Construction of a two-story 24.3 foot by 24.3 foot addition.
3. Construction of a 36.5 foot by 13.3 foot roofed porch .
4. Raising the ridge line of the existing roof 9.5 feet to accommodate a 30 foot by 43 foot second story addition. All of the additions will have less than the required front setback.

On April 7, 1998, the petitioners 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 were Donald Schwarz and Diane Furlong, who were accompanied by their architect, Jeanette Thomson. Ms. Thomson said that a structural engineer has determined that the exterior wall on the left cannot be used as a bearing wall due to inadequacy in the foundation, which is the reason for the 2.6 foot extension. The addition has been sited as far back as possible without moving onto the downward slope of the property. None of the additions will be more nonconforming than the existing front yard nonconformance.

The Board commented that if the 30 foot setback was met in the front, a zoning violation would be created in the rear.

The Board asked if most of the foundation would be maintained. Ms. Thomson said that only the left side is unstable; the rest of the foundation is usable.

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No other person present had any comment on the petition.

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Statement of Facts

The subject dwelling is located at 102 Manor Avenue, in a Single Residence District, on an 18,033 square foot lot, and has a minimum front setback of 7.4 feet. A portion of the lot fronts on Sunnyside Avenue at the rear and contains a utility easement.

The petitioners are requesting a Special Permit/Finding that the following additions will not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. A 2.6 foot by 42.3 foot extension to the front of the dwelling with a minimum front yard clearance of 11 feet.
2. A two-story 24.3 foot by 24.3 foot addition with a minimum front yard clearance of 20.05 feet.
3. A 36.5 foot by 13.3 foot roofed porch with a minimum front yard clearance of 23.9 feet.
4. Raising the ridge line of the main roof 9.5 feet to accommodate a 30 foot by 43 foot second story addition with a minimum front yard clearance of 7.4 feet. There will be no change in the footprint.

A Plot Plan dated 3/19/98, drawn by Alexander V. Zaleski, Registered Professional Land Surveyor; Floor Plans and Elevations dated March 12, 1998, drawn by Thomson Architects; and photographs were submitted.

On April 14, 1998, the Planning Board reviewed the petition and was opposed to the granting of the request as it appeared the project involves almost a total rebuild of the house. Consequently, the replacement structure should comply with the zoning setback requirements.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that none of the four additions will be substantially more detrimental to the neighborhood than the existing nonconforming structure as none will intensify the existing nonconformance and none will create additional nonconformity. The front extension is structurally necessary to the integrity of the dwelling; the roofed porch and two-story addition have been set back a minimum of 20 feet from the front property line; and the second story addition on the existing dwelling will not expand the footprint.

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A Special Permit is granted for all four additions, 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 construction upon receipt and approval of a building application and detailed 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.

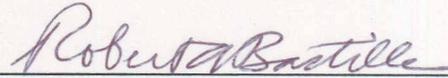
cc: Planning Board  
Inspector of Buildings  
edg



Kendall P. Bates  
Kendall P. Bates, Acting Chairman



William E. Polletta  
William E. Polletta



Robert A. Bastille  
Robert A. Bastille

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