

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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1998 AUG -4 A 8: 18

ZBA 98-60

Petition of Brian J. and Elizabeth Byrne  
19 Kingsbury Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 23, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of BRIAN J. AND ELIZABETH BYRNE requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of an 8 foot by 9.5 foot porch extension with less than the required front setback at their nonconforming dwelling at 19 KINGSBURY STREET, in a Single Residence District.

On July 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 was Brian Byrne, who said that their house is on a corner lot, and they would like to maintain the look of the house, which was built in the 1800's, by extending the porch to the corner of the house.

The Board agreed that the porch expansion will visually complement the house, and that the additional encroachment of 2 inches is de minimus.

The Board noted that the Planning Board had no objection, provided the deck remains open and follows the line of the house. The variance, if granted, would contain a condition that the porch never be enclosed.

Louis Corticelli, 23-25 Kingsbury Street, supported the petition, as did Brian Sullivan, 23 Kingsbury Street.

Statement of Facts

The subject property is located at 19 Kingsbury Street, on the corner of Linden Street, in a Single Residence District, on an 8,841 square foot lot, and has a minimum front yard clearance of 22.8 feet from Kingsbury Street.

The petitioners are requesting a variance to construct an 8 foot by 9.2 foot porch extension, which will have a minimum front yard clearance of 22.6 feet from Linden Street.

A Plot Plan dated June 11, 1998, drawn by Bruce Bradford, Professional Land Surveyor; a Floor Plan and Elevations; and photographs were submitted.

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On July 21, 1998, the Planning Board reviewed the petition and offered no objection to the granting of the request provided the deck remains open and uncovered and follows the line of the house.

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 opinion of this Authority that the proposed porch expansion conforms to the present lines of the house, and that the additional encroachment of 2 inches on the front setback is de minimus and can be allowed.

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, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted for construction of the porch expansion, subject to construction in accordance with the submitted plot plan and construction drawings, and on the condition that the porch and porch expansion shall never be enclosed.

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.

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 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 AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

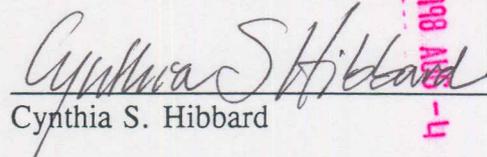
cc: Planning Board  
Inspector of Buildings  
edg



Kendall P. Bates, Acting Chairman



William E. Polletta



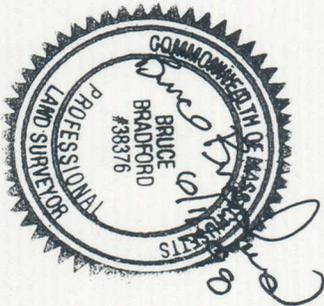
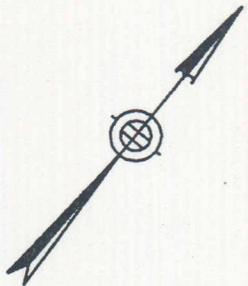
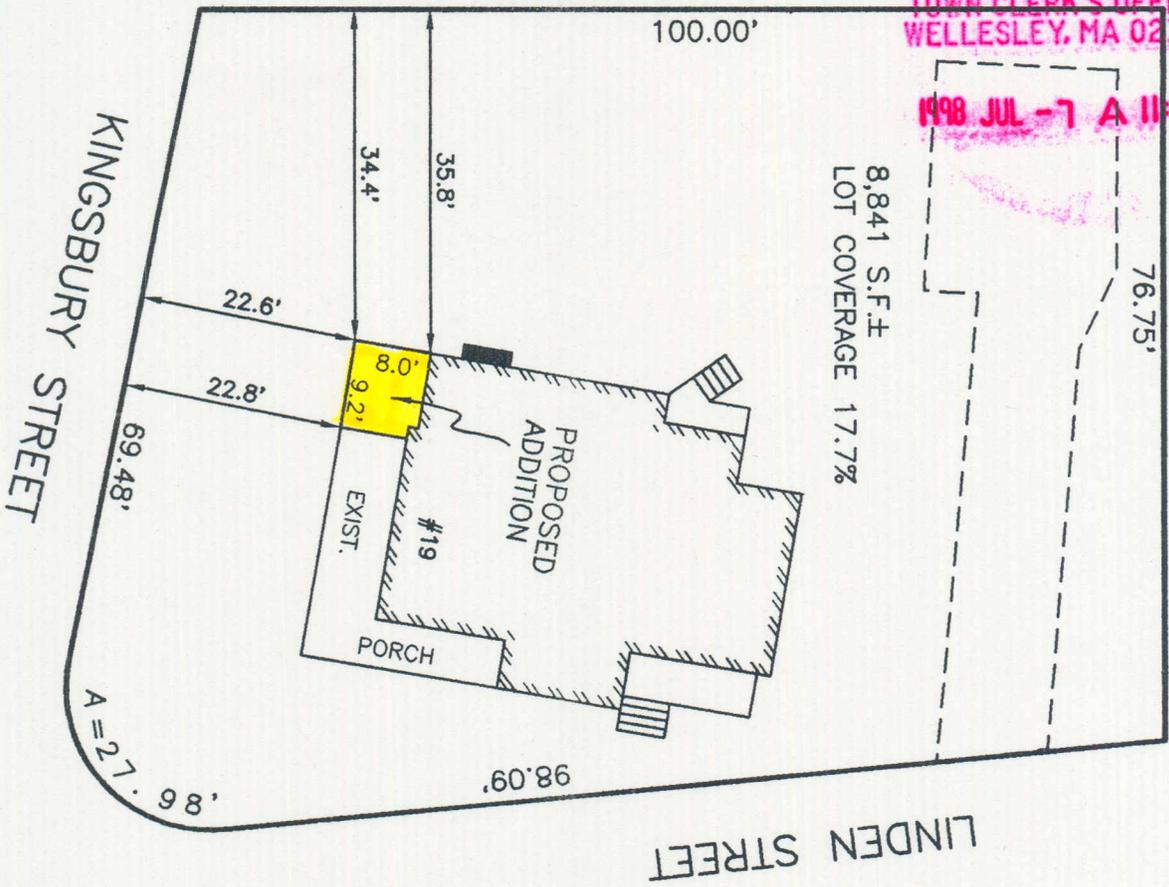
Cynthia S. Hibbard

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# PLAN OF LAND IN WELLESLEY, MA

19 KINGSBURY STREET  
SHOWING PROPOSED ADDITIONS

SCALE 1 IN. = 20 FT JUNE 11, 1998

PREPARED BY:  
EVERETT M. BROOKS COMPANY  
49 LEXINGTON STREET  
WEST NEWTON MA 02165  
(617) 527-8750  
PROJECT NO. 19301bod