



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-37
Petition of Kenneth L. and Auli Batts
3 Leighton Road

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, May 26, 1994 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 KENNETH AND AULI BATTIS 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 at 3 LEIGHTON ROAD, in a Single Residence District, with less than the required front and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. Construction of an enclosed porch approximately 5.5 feet by 7 feet with less than the required right side yard setback.
2. Enclosure of an existing porch approximately 2.9 feet by 9.1 feet with less than the required right side yard setback, for incorporation into the interior dwelling space.

A variance is requested from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to demolish an existing nonconforming one-car garage and construct a one-car garage approximately 19.5 feet by 19.5 feet with less than the required rear and right side yard setbacks.

On May 9, 1994, the petitioners filed a request for a hearing before these Authorities, and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Kenneth Batts, who was accompanied by his architect, Mark Gluesing. Mr. Gluesing said that they planned to construct a porch, which would be roofed, but not enclosed, and enclose the existing porch. The Board noted that the front door would be changed. Mr. Gluesing explained that there really is no front door as prior renovations made the front door area into a small box. The remodelling would create a hallway and entrance area.

Mr. Batts said that the existing garage is too small to house a standard car. He would like to rebuild the garage with storage space. The garage will be reoriented and enlarged, but will not come any closer to the rear and side lot lines than the existing garage.

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No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 3 Leighton Road, in a Single Residence District, on an 11,277 square foot lot, and has a minimum front setback of 19.9 feet, and a minimum right side yard setback of 14.4 feet. A detached one-car garage approximately 10.5 feet by 17.8 feet with a shed addition approximately 4 feet by 10 feet is located at the right rear corner of the property and has a minimum right side yard clearance of 3.4 feet and a minimum rear clearance of 3.1 feet.

The petitioners are requesting a Special Permit/Finding to construct a roofed porch approximately 5.5 feet by 7 feet which would have a minimum right side yard setback of 14.8 feet; and to enclose an existing porch approximately 2.9 feet by 9.1 feet with a minimum right side yard setback of 14.4 feet for incorporation into the interior living space.

A variance is requested to demolish the existing nonconforming garage and construct a one-car garage approximately 19.5 feet by 19.5 feet which would have a minimum right side yard clearance of 3.8 feet and a minimum rear yard clearance of 3.1 feet.

A plot plan dated April 26, 1994, drawn by Paul J. Sawtelle, Registered Land Surveyor; Floor plans and elevations dated May 4, 1994, drawn by Mark Gluesing, Architect; and photographs were submitted.

Decision

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

It is the finding of this Authority that the proposed construction of the roofed porch and the enclosure of the existing porch will not intensify the existing nonconformance nor create additional nonconformance as the proposed porch will be set back farther than the existing dwelling from the right side lot line; and the incorporation of the existing porch into the interior living space will result in no change in the footprint.

Therefore, a Special Permit is granted to construct the proposed porch and to enclose and incorporate the existing porch subject to construction in accordance with the plot plan and construction sketches submitted as noted in the foregoing Statement of Facts.

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It is the opinion of this Authority that because of the shape of the lot and the location of the garage 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 to demolish the existing garage and shed and to construct the proposed garage subject to construction in accordance with the submitted plot plan and construction drawings as noted in the foregoing Statement of Facts.

The Inspector of Buildings is hereby authorized to issue a permit for the construction of the allowed three projects upon his 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


John A. Donovan, Jr., Chairman


Kendall P. Bates


Franklin P. Parker

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WELLESLEY COLLEGE

N/F NEIL J. HOUSTON JR., ET AL

N/F ALICE B. ROBINSON

KENNETH L. BATTS, ET AL

ASSESSORS MAP 138, ROUTE 003
SINGLE RESIDENCE 10,000 S.F.

11,277 ± S.F.
LOT COVERAGE = 14.5 %
(NEW LOT COVERAGE = 18.1 %)

PROPOSED 2nd
STORY ADDITION

PROPOSED
ADDITION

STEPS
TO BE
REMOVED

1 - STY. 60
W.F.

2 1/2 - STY.
STUCCO
3

3.4 Exist.
3.8 Prop.
PROPOSED
GARAGE EXISTING
TO BE REMOVED

3.8 Exist
4.2 Prop.

6.0 SHED

Bulk Head to
Be Enclosed

PROPOSED

TO BE
ENCLOSED

LEIGHTON ROAD

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PLAN OF LAND
IN

WELLESLEY, MASS.

SCALE : 1" = 20'
MASS BAY SURVEY, INC.

APRIL 26, 1994
NEWTON, MASS.

Paul Sawtelle