

TOWN OF WELLESLEY



MASSACHUSETTS

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WELLESLEY, MA 02181  
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## ZONING BOARD OF APPEALS

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

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ROBERT A. BASTILLE

ZBA 97-62

Petition of Charles B. and Felicia R. Nadel  
24 Hampden Street

Pursuant to due notice, the Permit Granting Authority and the Special 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 CHARLES B. AND FELICIA R. NADEL requesting a Special Permit/Finding that the demolition of an existing nonconforming 6.8 foot by 10 foot porch and construction of a new 30.3 foot by 6.8 foot one story addition, with less than the required front setback from MIDDLESEX STREET and less than the required rear yard setback, at their nonconforming dwelling at 24 HAMPDEN STREET, in a Single Residence District, with less than the required front setback from both HAMPDEN STREET AND MIDDLESEX STREET and less than the required rear yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is requested for the construction of two 8.1 foot by 1.5 foot bay windows, on the proposed addition, which will have less than the required front setback from MIDDLESEX STREET.

On August 4, 1997, 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 Felicia Nadel, who said that the house is on the corner of Hampden and Middlesex Streets. It was originally a two-family house, but is now a single family dwelling. There is a small porch facing Middlesex Street, which has no access from the first floor. The front of the porch is in line with other porches on Middlesex Street. They would like to take down the porch and build a new addition in order to have access from the first floor. The addition will be an extension of the existing line of the porch, which is settling at a different rate than the house, and must be removed.

The Board expressed concern with the additional encroachment that would be created by the two bay windows on the inadequate front yard facing Middlesex Street. Mrs. Nadel said that she would be willing to give up the bay windows, but would like to build the addition.

No other person present had any comment on the petition.

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### Statement of Facts

The subject property is located at 24 Hampden Street on the corner of Middlesex Street on a 7,674 square foot lot in a Single Residence District. The dwelling has a minimum front setback from Hampden Street of 19.9 feet, a minimum front setback from Middlesex Street of 15.6 feet and a minimum rear yard setback of 9.4 feet. The property was originally a two-family house, but has been converted to a single family dwelling.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing nonconforming porch and construction of a 6.8 foot by 30.3 foot one-story addition, which will have a minimum front setback of 15.9 feet from Middlesex Street and a minimum rear yard clearance of 9.4 feet will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A variance is also requested to install two 8.1 foot by 1.5 foot bay windows, which would have a minimum front setback of 14.15 feet from Middlesex Street.

A Plot Plan dated October 22, 1996, revised May 15, 1997, drawn by Anthony M. Dellorco, Professional Land Surveyor; Floor Plans and Elevations dated April 29, 1997, drawn by Frederick J. Gavriel; and photographs were submitted.

On August 12, 1997, the Planning Board reviewed the petition and voted unanimously to recommend denial, as the Board believed that the project represents a substantial encroachment into the inadequate front yard.

### 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 the Permit Granting Authority that the proposed two 8.1 foot by 1.5 foot bay windows represent additional unnecessary encroachment into the inadequate front yard.

Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

"1. ....

a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; and

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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 fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw.

Therefore, the request for a variance for the two bay windows is hereby denied, as voted unanimously by this Authority at the Public Hearing.

It is the finding of the Special Permit Granting Authority that the proposed demolition of the existing porch and construction of the 30.3 foot by 6.8 foot one-story addition, while adding to the existing nonconformance, will not create additional nonconformance as the front corner of the addition will be less nonconforming than the existing porch.

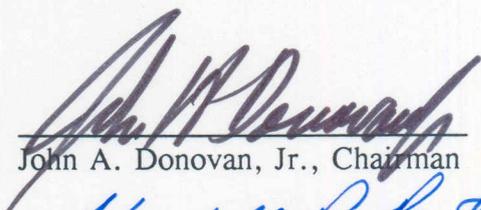
It is the finding of this Authority that the proposed one-story addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

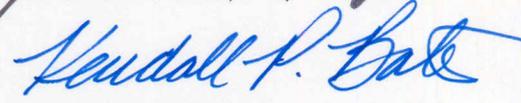
Therefore, the Special Permit for the demolition of the existing porch and construction of the one-story addition, without any bay windows, is hereby granted, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plans amended to delete the bay windows, and on the condition that prior to the issuance of a building permit, a revised plot plan showing the elimination of the two bay windows be submitted to the Board of Appeals.

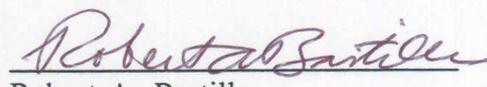
The Inspector of Buildings is hereby authorized to issue a permit for the demolition of the existing porch, and construction of the one-story addition upon receipt and approval of a building application and detailed construction plans, but subsequent to the submission of the revised plot plan to the Board of Appeals.

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

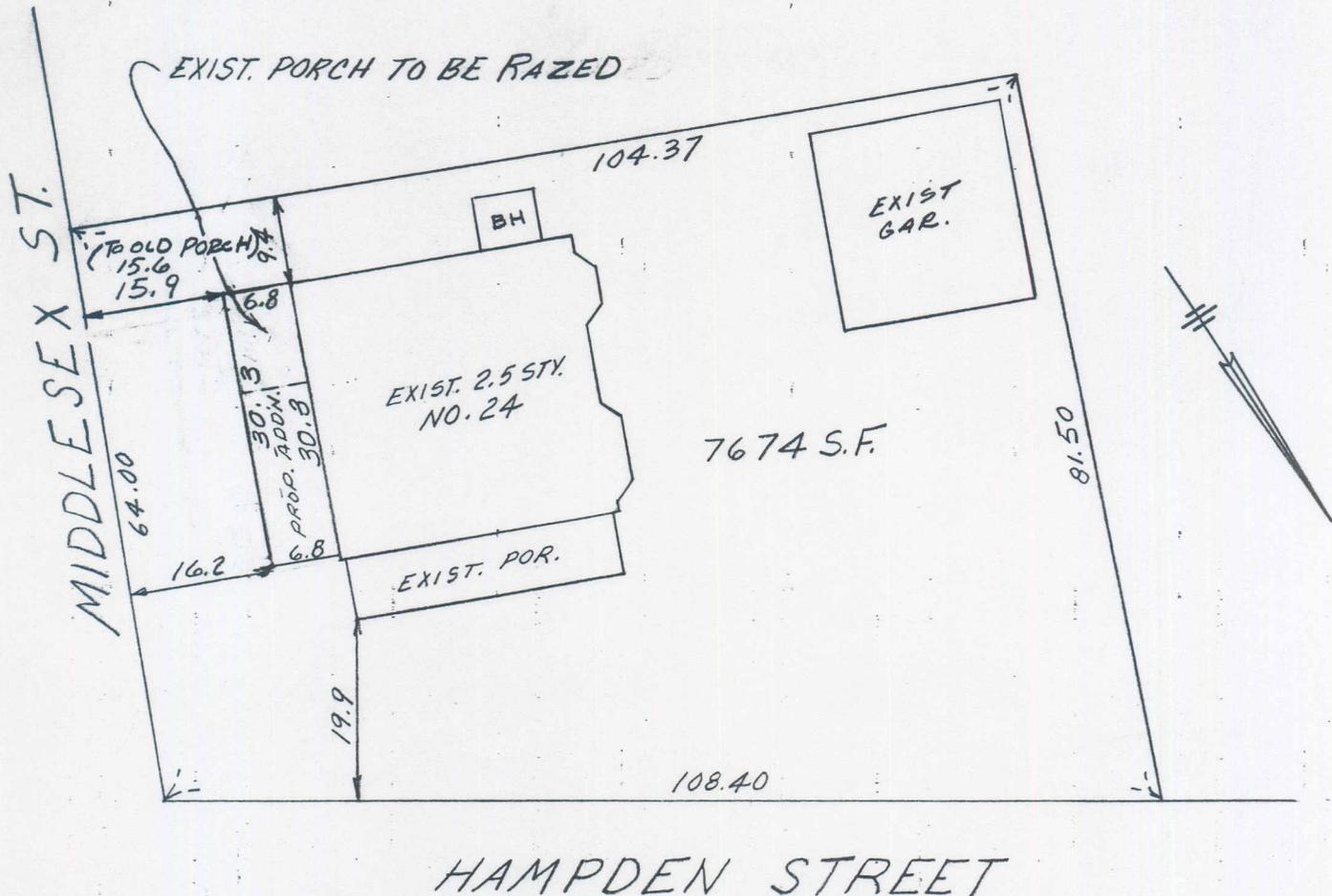
  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert A. Bastille

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LOT COVERAGE = 24.90%



PLOT PLAN OF LAND  
IN  
WELLESLEY — MASS

SCALE 1"=20'      OCT. 22, 1996  
REV. MAY 15, 1997  
REV. MAY 27, 1997  
NEEDHAM SURVEY ASSOC. INC.  
281 CHESTNUT STREET  
NEEDHAM, MASS. 02192

