



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL
Executive Secretary
Telephone
235-1664

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

84-57

Petition of Alan J. Gifford
280 Linden Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, October 4, 1984 at 8 p.m. on the petition of ALAN J. GIFFORD requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of an additional housing unit attached to the existing dwelling at 280 LINDEN STREET at the corner of DONAZETTE STREET. located in a General Residence District. Said existing dwelling is a non-conforming dwelling with less than the required side yard on the easterly side of the property. Said request is pursuant to Sections XXIV-D, IV and XVII of the Zoning Bylaw.

On September 14, 1984, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Gordon Gifford, father of the petitioner, who stated that the existing house is 12.23 feet from the side line. He stated that his son Alan plans to retain ownership of the property and resides in the house now.

Daniel Harper, 13 Donazette Street, had questions about the location of the proposed unit. No others were present favoring or opposing the petition.

Statement of Facts

The property in question is located at 280 Linden Street, at the corner of Donazette Street, containing 13,818 square feet of land, in a General Residence District. A non-conforming dwelling exists on the property, facing Linden Street, leaving a right side yard of 12.23 feet.

Alan Gifford proposes to construct another dwelling unit on the property, attached to the existing dwelling, on the Donazette Street side. A 3'3" party wall would connect the two units. The proposed house would be a 36 foot by 28 foot two-story gambrel cape.

A Plot Plan was submitted, drawn by Charles D. Thompson, Registered Land Surveyor, of Everett M. Brooks Co., Newtonville, dated September 10, 1984. Construction drawings were also submitted, as were photos of the existing dwelling.

The Planning Board, at its regular meeting of September 25, 1984, voted to offer no objection to the request.

RECEIVED OFFICE
OCT 25 9 23 AM '84

Petition of Alan J. Gifford
280 Linden Street

Stephen A. Black, Fire Chief, made recommendations in a letter of September 19, 1984, which are included in the conditions of this decision.

Decision

This Authority has made a careful study of the evidence submitted.

The petitioner is requesting a variance from the terms of Section XIX which will allow the construction of an additional housing unit attached to the existing non-conforming dwelling at 280 Linden Street.

The property in question is located in a General Residence District, in which two-family dwellings, town houses, are allowed. However, a variance is requested for the existing dwelling which has a side yard on the northeasterly side of 12.23 feet.

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 petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

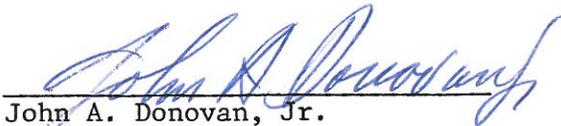
Therefore, the requested variance is granted under Section XIX to allow the construction of the additional housing unit attached to the existing dwelling at 280 Linden Street with a side yard of 12.23 feet as shown on the Plot Plan drawn by Charles D. Thompson of Everett M. Brooks Co., dated September 10, 1984, with the following condition:

1. That hard wired smoke detectors be installed as would be required under the Mass. State Building Code (Sec.1216.3.22) for new construction of the same use.

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



 Stephen S. Porter, Chairman



 John A. Donovan, Jr.



 William E. Polletta

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.

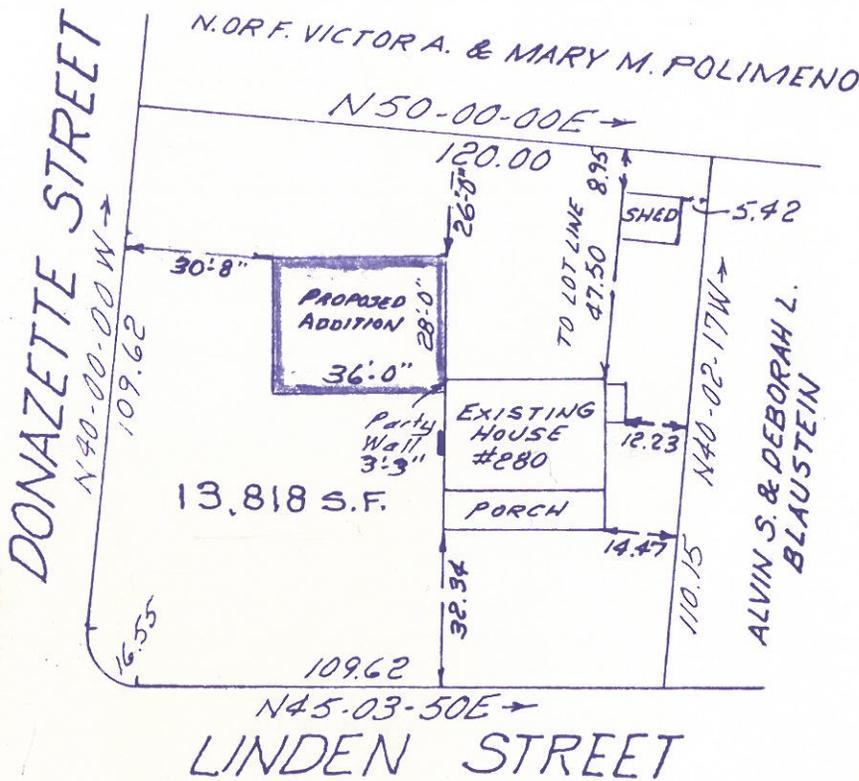
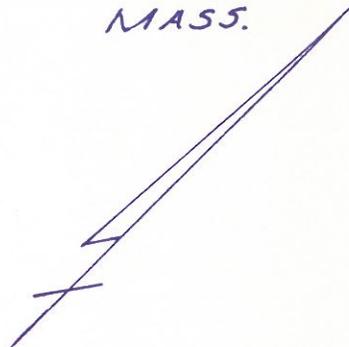
PLAN OF LAND IN WELLESLEY MASS.

SCALE: 1 IN. = 40 FT.

EVERETT M. BROOKS CO.
NEWTONVILLE

SEPT. 10, 1984

CIVIL ENG'RS.
MASS.



RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MASS OFFICE
 WELLESLEY MASS.
 SEP 24 11 37 AM '84
 SEP 24 11 17 AM '84

Submitted 9/24/84

Alan Gifford
280 Linden



Charles D. Thompson

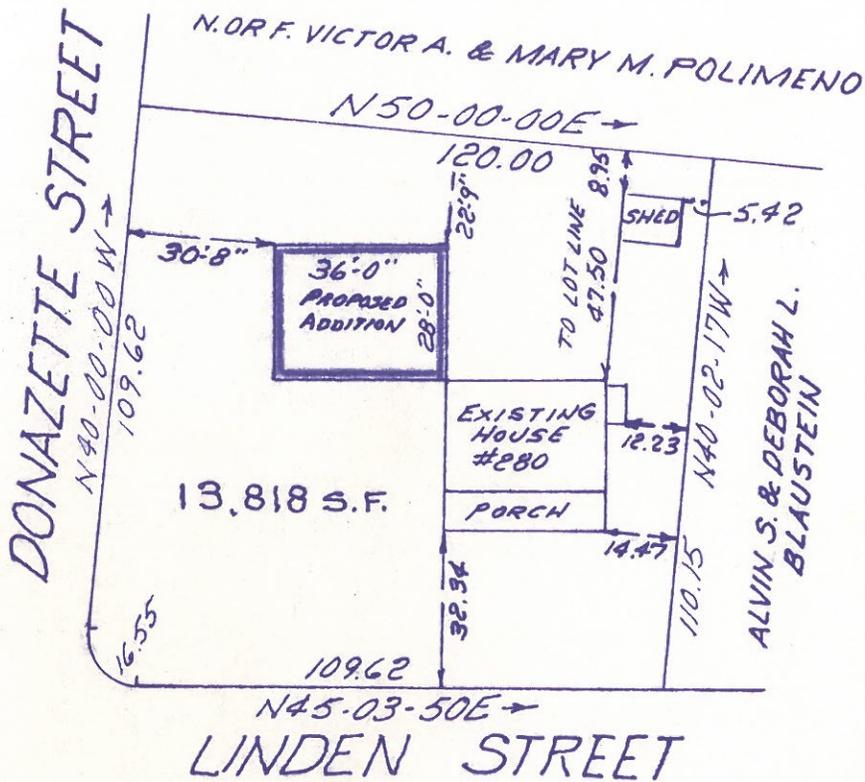
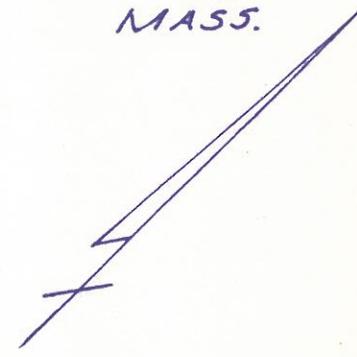
PLAN OF LAND IN WELLESLEY MASS.

SCALE: 1 IN. = 40 FT.

EVERETT M. BROOKS CO.
NEWTONVILLE

SEPT. 10, 1984

CIVIL ENG'RS.
MASS.



RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

SEP 14 9 31 AM '84



Charles D. Thompson