



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
XXXXXX
431-1019

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

85-34

Petition of Gifford Construction Company/Eunice H. Wright
20 Kingsbury Street

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TOWN CLERK'S OFFICE
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JUL 26 2 42 PM '85

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 20, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills on the petition of Gifford Construction Company and Eunice H. Wright for a variance pursuant to Section XXIV-D and Section IV and from the terms of Section XIX of the Zoning Bylaws to allow alterations to the existing legal non-conforming dwelling at 20 Kingsbury Street at the corner of Linden Street to create two dwelling units with less than the required front yard setback from Kingsbury Street and less than the required side yard on the north-westerly side of the property. Said property is located in a General Residence District.

On May 31, 1985, the petitioner requested 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 Gordon Gifford, who presented site plans for the proposed project, as described in Case 85-33, which would include a site containing 41,518 square feet of land. Mr. Gifford stated that a variance is requested for 20 Kingsbury Street in connection with the request for Density Bonus under Section IIIA 2 (k) to allow ten (10) dwelling units in the entire project. The proposal includes alterations to 20 Kingsbury Street to allow two (2) dwelling units in the house which is now a single residence. The existing dwelling is a non-conforming structure and a variance is required in order to make alterations to the structure.

Present at the hearing and opposed to the petition and to petition #85-33 were the following: Daniel Harper, 13 Donazette Street, Mr. and Mrs. Sam Diamond, 8 Donazette Street, Louis and Luciana Corticelli, 23 Kingsbury Street, Gilbert Wright, 24 Kingsbury Street, Adelaide Maccini, 6 Donazette Street, Andrew Pearson, 19 Kingsbury St.

Statement of Facts

The property in question is located at 20 Kingsbury Street, at the corner of Linden Street, containing 8,251 square feet of land, in a General Residence District. A one-family dwelling exists with a setback from Kingsbury Street of 28 feet and a side yard on the northwesterly border of 8.75 feet. The property is presently under a Purchase and Sale Agreement between Eunice H. Wright (seller) and Gordon B. Gifford, Jr. (buyer). Such deed is scheduled to be delivered on August 30, 1985.

Petition of Gifford Construction Company/Eunice H. Wright
20 Kingsbury Street

A variance is requested under Section XIX to allow alterations on the single family dwelling to create two dwelling units with less than the required street setback from Kingsbury Street and less than the required side yard.

A Site Plan was presented, drawn by Charles D. Thompson, Registered Land Surveyor, of Everett M. Brooks Co., Newtonville, dated March 26, 1985, last revised on 6/13/85. A copy of the Purchase and Sale Agreement, dated April 30, 1985 between Eunice H. Wright and Gordon B. Gifford, Jr. was also submitted.

The Planning Board voted to offer no objection to the variance request at its regular meeting of June 4, 1985 as stated in a letter of June 6, 1985.

Decision

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

It is the opinion of this Authority that the house in question was built and used as a single family dwelling and should continue to remain a single family dwelling. It is in very close proximity to the northwesterly side lot line - 8.75 feet. An increase in the use of the dwelling to accommodate two families would intensify the density in the area, encroach on the abutter's property and increase the vehicles in the area.

A variance can 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.

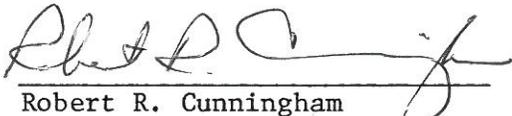
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to i) soil conditions, ii) shape, or iii) topography of such land or structures,
 ...AND
- b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

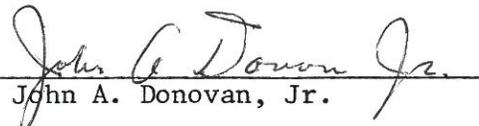
This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D. Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

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
 Building Inspector
 mam


 Stephen S. Porter, Chairman


 Robert R. Cunningham


 John A. Donovan, Jr.

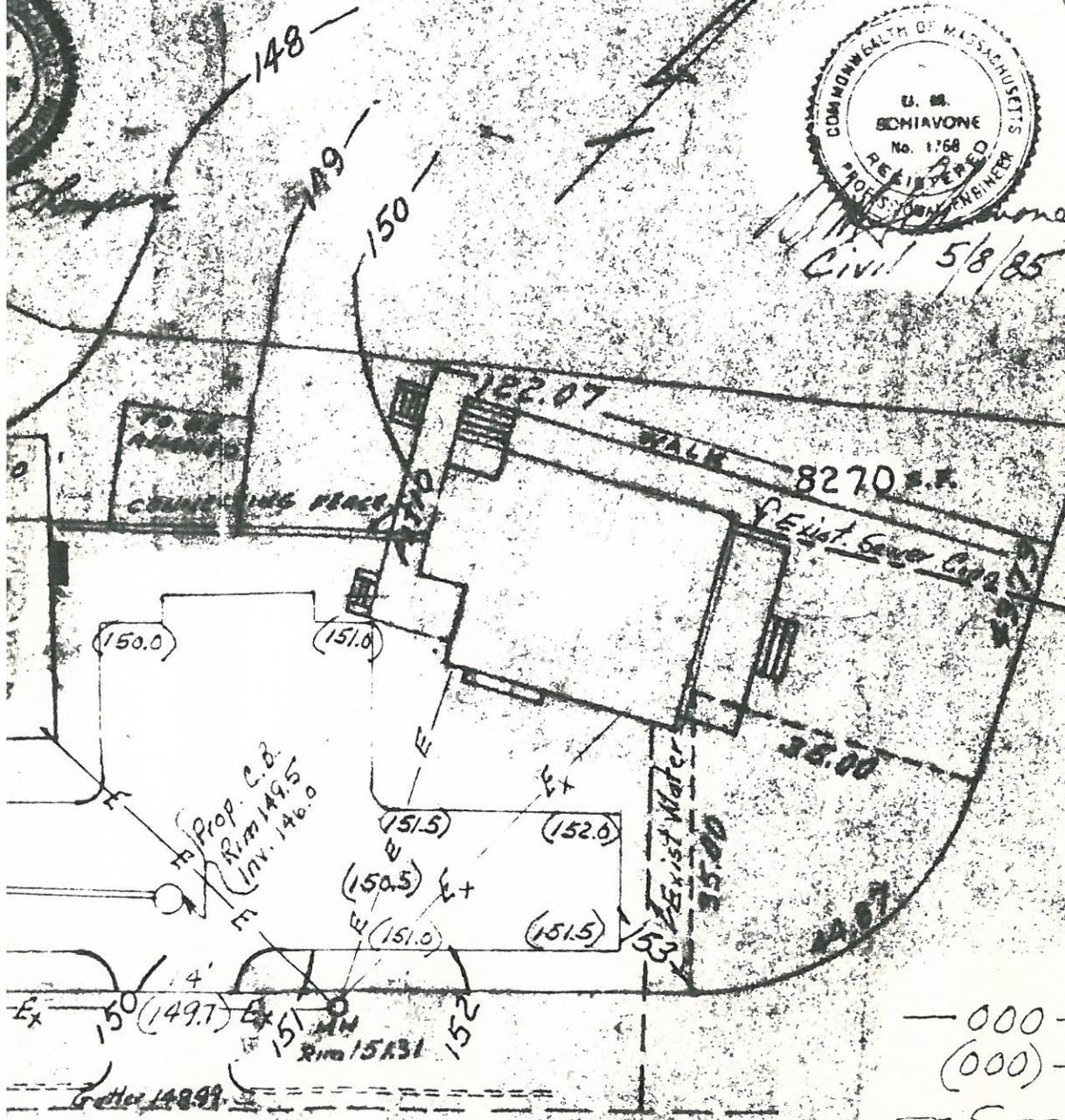
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85
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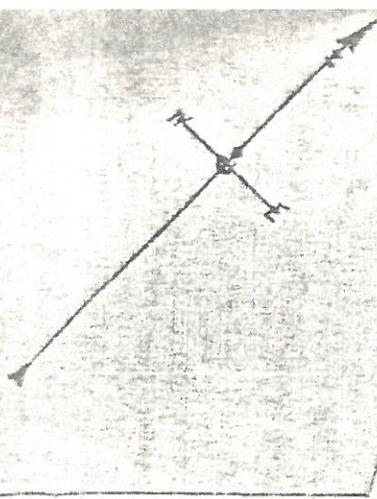
Civil 5/8/85



KINGSBURY

- 000 — Existing Grade
- (000) — Proposed Grade
- S — Proposed Sewer
- W — Proposed Water
- E — Proposed Elec.
- Ex — Existing Elec.

PLAN (4)



KINGSBURY STREET.

ANNIE E. ROCKFORD.

R=15.00
 ARC=27.98
 AREA= 93.50 FT. (93.45)

LINDEN

STREET.



KINGSBURY.

R=25.00
 ARC=31.92
 AREA= 74.50 FT. (69.75)

MAUGUS REAL ESTPTE TRUST

APPROVED: *Feb 15 1929* FILED *Feb 15 1929*
John T. Ryan
 TOWN CLERK.

SELECTMEN OF WELLESLEY ACCEPTED *March 19 1929*
John T. Ryan
 Town Clerk

WIDENING LAYOUT
 FOR KINGSBURY AND LINDEN STREET,
 WELLESLEY MASS.
 SCALE 40 FEET TO AN INCH.
 FEB. 5. 1929.

PLAN 276
 CAL-B-50.

A. STEWART CASSIDY,
 ENGINEER.

8,380 sq. ft. Property area
129 sq. ft. Taking area
8,251 sq. ft. remaining area

Carroll L. & Eunice H. Wright

R = 35.00'
A = 73° 27' 33"
T = 26.12'
L = 44.87'

82.17'
(DEED DIMENSION)

LINDEN

No. 20
43.77'
(DEED DIMENSION)

STREET

No. 19

Andrew E. Pe

STREET