



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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86-1

Petition of Herbert W. and Eileen M. Collins
30 Hundreds Circle

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 30, 1986 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, Ma. on the petition of HERBERT W. & EILEEN M. COLLINS requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the construction of a two-story addition to their dwelling at 30 HUNDREDS CIRCLE, said addition to be approximately 65 feet by 28 feet to include a family room and a two-car garage, leaving less than the required front yard setback.

On January 9, 1986 the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Herbert Collins, who stated that the addition proposed allows the amount of floor space needed without encroaching on the side yard. He stated that the yard drops off in the back. Mr. Porter stated that the petitioner would need to show an unusual and unique situation on the lot in order to qualify for hardship as defined in the Zoning Bylaw.

Other than the petitioner, no one was present favoring or opposing the petition.

Statement of Facts

The property in question is located at 30 Hundreds Circle, containing 30,300 square feet of land. The existing dwelling has a setback from Hundred Circle of 43.87 feet. The setback of the adjoining house at 42 Hundreds Circle is 61 feet and of the adjoining house at 14 Hundreds Circle is 56 feet. Therefore, a setback of 43.87 feet is the required setback according to Section XIX of the Zoning Bylaw.

The petitioner has requested a variance to allow a two-story addition to contain a family room and a two-car garage on the first level and unfinished space above, said addition to be approximately 65 feet by 28 feet with a setback from the street of 39.22 feet.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor of Apex Associates, Newton Highlands, Ma. dated December 18, 1985. Construction drawings were submitted, drawn by Design Projects, Inc. Dover, Ma., dated November 25, 1985. Photos were also submitted.

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30 Hundreds Circle

The Planning Board, at its regular meeting of January 14, 1986, voted to offer no comment on the petition.

A petition, dated January 23, 1986, was presented to the Board by Mr. Collins signed by the following abutters and neighbors: Sherryn K. Stauffer, 42 Hundreds Circle, Ruth C. Kennedy, 14 Hundreds Circle, Richard Pickett, 29 Hundreds Circle, Olaf Fernald, 44 Hundreds Circle, Jack R. Zins, 6 Hundreds Circle.

Decision

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

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.

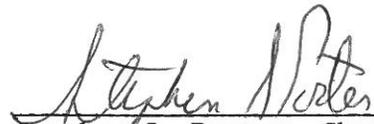
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, especially affecting such land or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

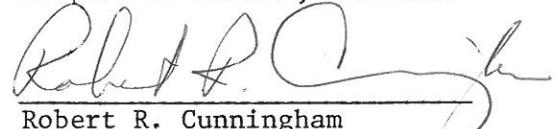
This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw.

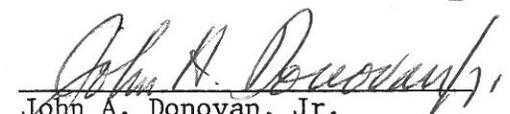
Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

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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James W. & Sherryn K. Stauffer

Setback of adjoining house no. 42 is 61'

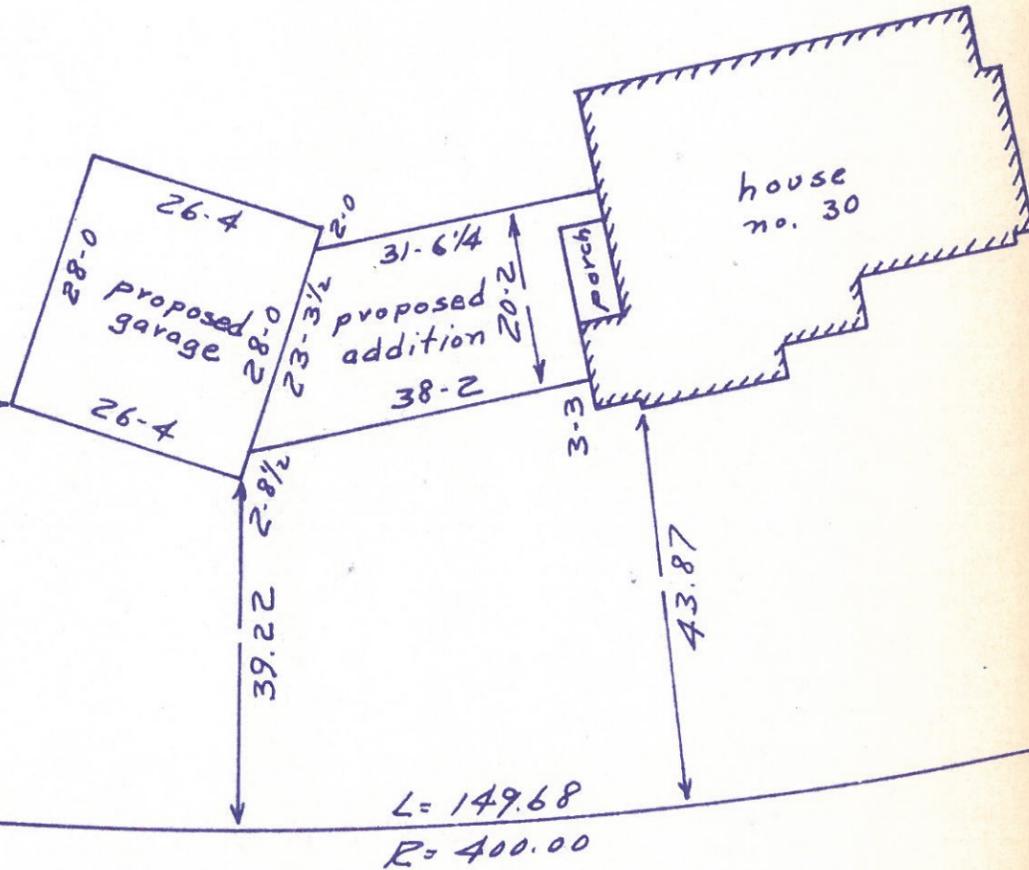
236.00

Lot 18
30,300 s.f.

Ruth C. & Thomas Kennedy
14 HUNDREDS CIRCLE

141.00

Setbacks of adjoining houses—
#14-56'
#6-59'



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John J. Regan

HUNDREDS CIRCLE

HUNDREDS CIRCLE

PLAN OF LAND
IN
WELLESLEY MASS.
TO ACCOMPANY THE PETITION OF
HERBERT W. & EILEEN M. COLLINS
30 HUNDREDS CIRCLE
WELLESLEY

SCALE 1 IN = 20 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

DEC. 18, 1985
LAND SURVEYORS
MASS.

38.2
26.4
64.6
65 feet