

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
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SUMNER H. BABCOCK

81.60

Petition of J. Randolph Becker

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, October 14, 1981, at 8 p.m., on the Petition of J. Randolph Becker, requesting a variance from the terms of Section XIX which will allow the addition of a twelve (12) foot by twenty-five (25) foot room, replacing an existing deck, to his dwelling at 60 Seaver Street, which would leave less than the required twenty (20) feet on the left side yard. Said request is made under the provisions of Section XXIV-D of the Zoning Bylaw.

On September 28, 1981, the Petitioner filed for a hearing before this Board and thereafter notice was given of the hearing by mailing and publication.

Present at the hearing and speaking on behalf of the request were Mr. and Mrs. Becker. Mr. Becker presented his proposed request to replace an existing deck connecting the house and garage with a 12 x 25 foot family room. The addition would extend to seventeen (17) feet from an easement line in the side yard, said easement containing sixty (60) feet unbuildable land, leased in perpetuity to Mr. Becker by his abutter at 58 Seaver Street (Lot 139). Mr. Becker claims the unusual shape of his lot and the existence of two easements (one being a utility easement) create a substantial hardship.

Present in support of the petitioner's request was Gary Kane, 58 Seaver St., abutter. No one was present in opposition to the request.

Statement of Facts

The property involved is in a Single Residence District. The locus, 60 Seaver Street, contains 10,015 square feet of land.

The lot is part of a three lot subdivision served by Seaver Place, a private road. Development of the three lots required extensive "gerrymandering" and easements were leased in perpetuity amongst the three lots to meet the zoning requirements for each. Mr. Becker's lot (Lot 140) contains a utility easement in the right side yard, extending from the dwelling to the lot line and does not allow any type of construction.

A Plot Plan was submitted, drawn by Charles Thompson, Registered Land Surveyor, of Everett Brooks Co., Newtonville, dated September 9, 1976. Construction plans were also submitted, drawn by Day & Ertman Architects, Waltham, dated June 30, 1981.

The Planning Board, in a letter dated October 8, 1981, noted: "The application materials do not indicate any unusual conditions whereby the sideyard setback requirement would cause a hardship. Based on the information made available, the Planning Bd. recommends denial of the request."

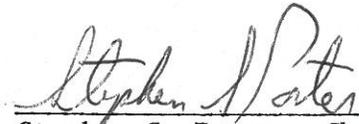
Decision

This Authority has made a careful study of the evidence submitted and at least one member has viewed the locus.

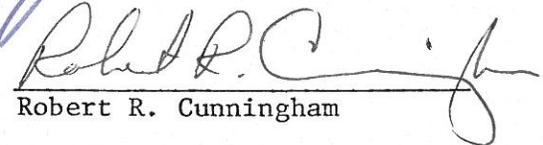
The Board makes note of the fact that the subdivision of this parcel created conditions which make this lot unique in shape. Specifically, the Plot Plan, dated September 9, 1976, drawn by Everett Brooks Company, reveals that an unusual configuration is caused by the necessity to give Lot 139 street frontage. Therefore, Lot 140 is unable to have room for expansion without being in violation of the Zoning Bylaws. However, room exists between the dwelling in question on Lot 140 and the lot line of Lot 138, which abuts Lot 140 on the left side.

Therefore, it is the unanimous decision of this Authority that because of the shape of 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 and the Inspector of Buildings is authorized to issue a permit for the addition.

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

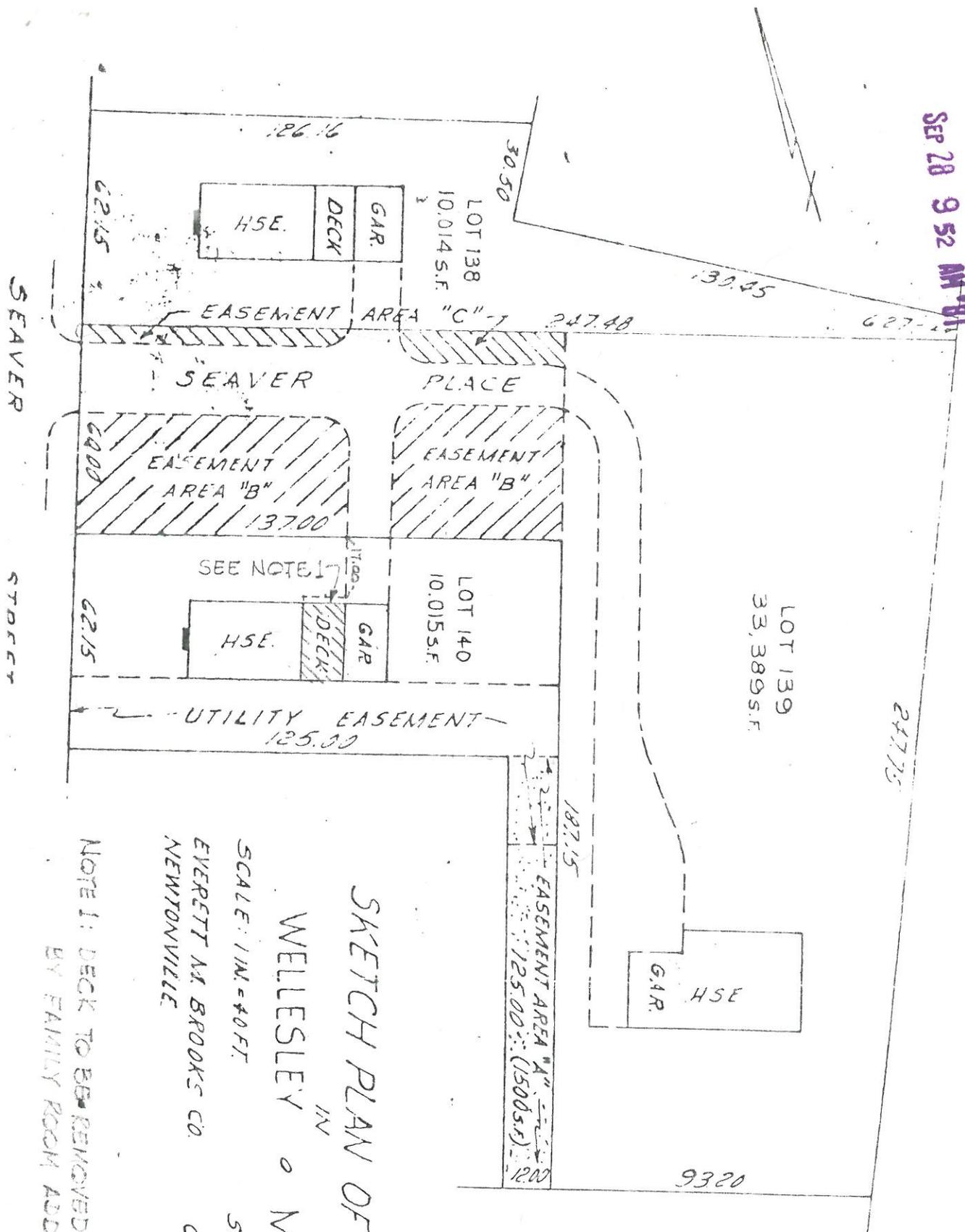
  
Robert R. Cunningham

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SKETCH PLAN OF LAND  
IN  
WELLESLEY o MASS.

SCALE: 1/4" = 40 FT.

EVERETT M. BROOKS CO.  
NEWTONVILLE  
CIVIL ENGRS  
MASS.

SEPT 9, 1976

NOTE 1: DECK TO BE REMOVED AND REPLACED  
BY FAMILY ROOM ADDITION.

Charles R. Thompson

