



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

84-51

Petition of Marjorie Marks Carney  
28 Crescent Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, September 6, 1984 at 8 p.m. on the petition of MARJORIE MARKS CARNEY requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow an addition to her dwelling at 28 CRESCENT STREET including a one-story mudroom/entry approximately 14.7 feet by 9.4 feet connecting the dwelling with the detached garage, leaving less than the required rear yard. Said dwelling and garage are legal non-conforming structures. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On August 16, 1984, 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 Allen Carney, husband of the petitioner. He stated that the house was built in 1875, the garage and backroom were built about 1920. The Town of Wellesley aqueduct is at the rear, and the garage is only 1.66 feet from the rear lot line at one point.

No others were present either favoring or opposing the request.

Statement of Facts

The property in question is located at 28 Crescent Street, containing 21,082 square feet of land, in a Single Residence District. The rear property line abuts an aqueduct, Town of Wellesley land. The dwelling was constructed in 1887, the garage and backroom of the dwelling about 1920. The dwelling is located 1.71 feet from the rear lot line, the garage 1.66 feet from the the rear lot line.

The petitioner proposes a one-story mudroom/entry approximately 9.4 feet by 14.7 feet to connect the house and the garage, coming to 1.77 feet from the rear lot line at the closest point. The hardship claimed is the location of the structures on the lot.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor of Apex Associates, Newton Highlands, dated August 6, 1984. Construction drawings and photos were also submitted.

RECEIVED  
ZONING BOARD  
SEP 10 1984  
TOWN OF WELLESLEY

Petition of Marjorie Marks Carney  
28 Crescent St.

The Planning Board, at its regular meeting of September 11, 1984, voted to offer the recommendation that the proposed addition connecting the house and garage remain a single story addition and that the garage itself should remain a garage and should not at any time in the future be converted to provide additional living space.

Decision

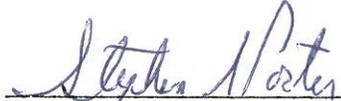
This Authority has made a careful study of the evidence submitted. The particular structures in question in their location on the lot do not conform to the present Zoning Bylaws. The garage is 1.66 feet from the Town of Wellesley Aqueduct land at one point, the dwelling is 1.71 feet at one point.

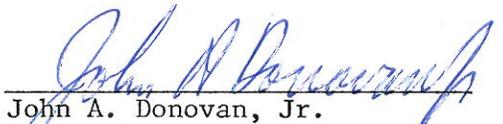
It is the opinion of this Authority that the proposed one-story addition does not alter the relationship of the existing structures to the rear lot line, and that, because of the shape of the lot and the location of the structures on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Board that desirable relief may be granted without substantially derogating from the intent of purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to allow the construction of a one-story mudroom/entry approximately 9.4 feet by 14.7 feet as shown on the Plot Plan by John J. Regan, Registered Land Surveyor, dated August 6, 1984, coming no closer than 1.77 feet from the rear lot line.

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.

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.

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

  
Robert R. Cunningham

cc: Planning Board

RECEIVED OFFICE  
PLANNING BOARD  
OCT 3 10 54 AM '84

Town

of

Wellesley

Leonard C. & Margaret S. Tims

41.37

68.59

Christian & Maureen H. Febiger

EASEMENT

20'

98.10

213.30

elev 99.9

elev 110.0

4.14 off lot line

1.71 off lot line

elev 109.4

3'-0"

elev 109.8

1.71 off lot line

1.66 off lot line

elev 102.0

porch

house no 28

porch

14.75

13.3

gar. proposed addition

21,082<sup>±</sup> s.f.

145.00

63.65

Ing & Marcy L. Winzer

CRESCENT STREET

RECEIVED TOWN CLERK'S OFFICE WELLESLEY MASS.

AUG 16 3 02 PM '84

PLAN OF LAND IN WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF ALLEN P. & MARJORIE MARKS CARNEY 28 CRESCENT STREET WELLESLEY



John J. Regan

SCALE 1 IN = 40 FT APEX ASSOCIATES NEWTON HIGHLANDS

AUGUST 6, 1984 LAND SURVEYORS MASS.