



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-13

Petition of Joel R. & Susan I. Bloom
20 Howe Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 5, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) Town Hall, 525 Washington Street, Wellesley on the petition of JOEL R. & SUSAN I. BLOOM requesting variances from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaws to allow additions to their non-conforming dwelling at 20 HOWE STREET including: 1) a one-story addition approximately 6.7 feet by 36 feet at the front of the dwelling leaving less than the required front yard setback; 2) a 9 foot by 5 foot entrance porch at the front of the dwelling leaving less than the required front yard setback; 3) a deck approximately 21 feet by 10 feet at the westerly side of the dwelling leaving less than the required front yard setback; 4) a bay window approximately 2 feet by 6 feet at the front of the dwelling; 5) a greenhouse window approximately 1.5 feet by 3 feet leaving less than the required right side yard.

On January 16, 1987 the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

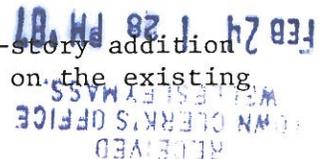
Presenting the case at the hearing was Joel Bloom, who stated that they wished the addition to gain living space and restore the appearance of the house, which is a Victorian style. Most of the project would be on an existing concrete porch. The proposed entry porch comes 1½ feet closer to the street than the existing entry porch. He stated that many houses on the street are closer to the street than the bylaw now allows. The houses on either side are about 22 or 23 feet from the street. The lot is unusually shaped and slopes severely. There is ledge in the rear yard.

No others were present at the hearing expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 20 Howe Street, containing 11,810 square feet of land. A non-conforming dwelling exists on the lot with a right (easterly) side yard of 13.9 feet. A concrete porch exists on the front of the house leaving a setback of 24 feet from the street.

The petitioner requests variances for the following: 1) a one-story addition approximately 6.7 feet by 36 feet at the front of the dwelling on the existing



concrete porch, leaving a front yard setback of 24 feet; 2) a 9 foot by 5 foot entrance porch at the front of the dwelling in the area of an existing stairway, leaving a front yard setback of 19.5 feet; 3) a deck approximately 21 feet by 10 feet at the westerly side of the dwelling leaving less than the required front yard setback; 4) a bay window approximately 2 feet by 6 feet at the front of the dwelling, leaving less than the required front yard setback; 5) a greenhouse window approximately 1.5 feet by 3 feet, leaving a right side yard of 14.8 feet.

A Plot Plan was presented, drawn by John P. Hurney, Registered Land Surveyor of Barnes Engineering Co., Inc., Auburndale, Ma., dated January 13, 1987. Construction sketches were presented as were photos.

The Planning Board at a meeting on January 27, 1987 voted to "oppose the front setback variance request as being a substantial new encroachment where the building is presently conforming. The Board had no objection to the variance requests for the windows as these encroachments appear to be minor."

Decision

This Authority has made a careful study of the evidence presented. The particular house in question is its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 13.9 feet from the right side lot line and 24 feet from the front street line.

It is the opinion of this Authority that proposed additions are either on the pre-existing concrete porch or are de minimus and do not alter the relationship of the house to the lot lines. It is the opinion of this Board 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 variances are granted as follows:

- 1) a one-story addition approximately 6.7 feet by 36 feet at the front of the dwelling on the existing concrete porch leaving a front yard setback of 24 feet.
- 2) a 9 foot by 5 foot entrance porch at the front of the dwelling leaving a front yard setback of 19.5 feet.
- 3) a deck approximately 21 feet by 10 feet at the westerly side of the dwelling leaving a front yard setback of 27.9 feet.
- 4) a bay window approximately 2 feet by 6 feet at the front of the dwelling leaving a front yard setback of 24 feet.
- 5) a greenhouse window approximately 1.5 feet by 3 feet leaving a right side yard of 14.8 feet.

These variances are as shown on the Plot Plan submitted and drawn by John P. Hurney, Registered Land Surveyor, dated January 13, 1987.

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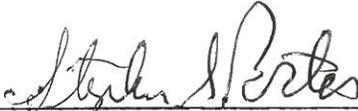
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The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

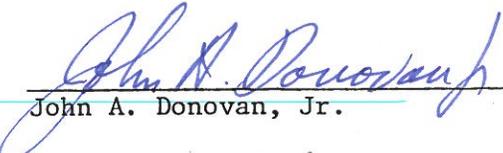
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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
Inspector of Buildings
mam



Stephen S. Porter, Chairman



John A. Donovan, Jr.



William E. Polletta

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