



ZONING BOARD OF APPEALS  
TOWN-HALL WELLESLEY, MA 02181

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ZBA 87-20

Petition of Alec Holser and Nan Binkley  
28 Cottage Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 19, 1987 at 8 p.m. in the Great Hall of the Town Hall (Conference Room E) at 525 Washington Street, Wellesley on the petition of ALEC HOLSER and NAN BINKLEY requesting variances from the terms of Section XIX and pursuant to Section XXIV-D, XIV-D and II of the Zoning Bylaw to allow construction of an addition to their non-conforming dwelling at 28 COTTAGE STREET, including the following: 1) a two-story addition approximately 19 feet by 22 feet at the rear of the dwelling to contain a living room and a bedroom, leaving less than the required left and right side yards; 2) a deck approximately 6 feet by 11.5 feet leaving less than the required left (northerly) side yard; 3) a bay window approximately 18 inches by 6.5 feet leaving less than the required right (southerly) side yard. Said property is in a Historic District.

On January 29, 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 Alec Holser who stated that the house is very small, non-conforming, and located in a Historic District. He stated that the house is set back about 69 feet from Cottage Street and that the rear addition would not be visible from Cottage Street.

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

Statement of Facts

The property in question is located at 28 Cottage Street, in a Historic District, containing 5,251 square feet of land. A non-conforming dwelling exists on the lot with a left (northerly) side yard of 9.8 feet and a right (southerly) side yard of 7.77 feet.

Previous variances issued on the property include ZBA 78-25 granting permission to construct dormer window extensions and a deck at the rear of the house (which variance was never exercised) and ZBA 80-23 granting a variance to allow extensions to the left and right sides of the existing dormer at the rear of the dwelling.

The petitioner is proposing three variances: 1) a two-story addition approximately

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19 feet by 22 feet at the rear of the house to contain a living room and a bedroom, leaving a left side yard of 9.7 feet and a right side yard of 7.89 feet; 2) a deck approximately 6 feet by 11.5 feet at the northerly side of the house leaving a left side yard of 3.9 feet; 3) a bay window approximately 18 inches by 6.5 feet at the southerly(right) side of the house leaving a right side yard of 7.59 feet.

A Plot Plan was presented, drawn by Malcolm Parker McDowell, Professional Land Surveyor of Noonan & McDowell, Inc., dated November 26, 1986. Construction plans were presented, drawn by Binkley-Holser. Photos were also presented.

The applicant appeared before the Wellesley Historic District Commission with a request for a Certificate of Appropriateness for the rear addition and the bay window, which certificate was granted on March 2, 1987 with the exception of two changes. Copy of said certificate is on file at the Zoning Board of Appeals office.

The Planning Board, on February 2, 1987, voted to offer no objection to the rear addition variance or to the bay window but opposed the variance for the deck.

#### Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 9.8 feet from the left lot line and 7.77 feet from the right lot line.

Regarding the variance requested for the deck at the northerly side of the house, this Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw to justify such a structure which would leave a side yard of only 3.9 feet. Therefore, it is the decision of this Authority that this request for a variance for the deck is hereby denied.

Regarding the variances requested for the two-story addition at the rear of the house and for the bay window, it is the opinion of this Authority 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. It is the opinion of this Authority that the proposed additions conform to the present lines of the house and do not alter the relationship of the house to the lot lines.

Therefore, the requested variances are granted for the following: 1) a two-story addition approximately 19 feet by 22 feet at the rear of the house leaving a left side yard of 9.7 feet and a right side yard of 7.89 feet; 2) a bay window approximately 18 inches by 6.5 feet at the southerly (right) side of the house leaving a

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CITY OF WELLESLEY, MASS.  
PLANNING DEPARTMENT

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28 Cottage Street

right side yard of 7.59 feet. These additions are as shown on the Plot Plan by Malcolm Parker McDowell, Professional Land Surveyor of Noonan & McDowell Inc., dated November 26, 1986 and subject to the conditions of the Historic District Comm.

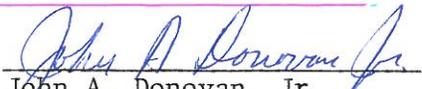
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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

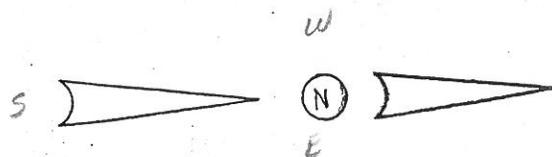
  
John A. Donovan, Jr.

  
William E. Polletta

  
Sumner H. Babcock

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WILMINGTON, MASS.

COTTAGE STREET



CB Fnd  
0.11

40-00

5,251 sq ft

9.2' to 15.59'

39.03'

D/F  
Degiuttola  
# 26

D/F  
Campion  
# 30

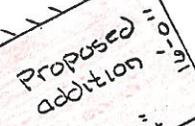
26.181'

3.9'  
Proposed

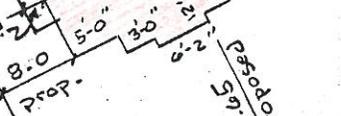


9.8'  
Proposed

Proposed Bay Window  
7.59'



Proposed Stair  
7.85' to c.b.  
3.0 Prop.



I hereby certify that the building is located upon the ground as shown.

D/F  
Bowen  
48 Denton Rd.

B Fnd  
'nd'

PROPOSED  
PLOT PLAN  
IN

WELLESLEY MASS.

SCALE: 1/4" = 20 FT. NOV. 26, 1986

NOONAN & MC DOWELL, INC.  
SUITE 6, 25 BRIDGE ST.  
BILLERICA, MA. 01821

(617) 667-9736

JOB NO. 537

JAN 29 9 50 AM '87

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WELLESLEY MASS.



Dec 1, 1986 *Malcolm McDowell*  
DATE PROF. LAND SURVEYOR

NOTE: THIS PLOT PLAN IS THE PROPERTY OF NOONAN & MC DOWELL, INC. AND MAY NOT BE ALTERED.