TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-38
Petition of James D. & Gina Graves Lloyd
346 Linden Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, May 21, 1987 at 8 p.m. in the Great Hall (Conference Room E) of the Town Hall at 525 Washington Street, Wellesley on the petition of JAMES D. & GINA GRAVES LLOYD 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 one-story addition to their non-conforming dwelling located at 346 LINDEN STREET, said addition approximately 19 feet by 10.5 feet in the area of an existing screened porch, leaving less than the required left (westerly) side yard.

On May 4, 1987 the petitioner filed a request for 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 Mr. Lloyd, who stated that he wants to tear down a porch and build a family room. The addition cannot be placed in another location because of an oil tank that is buried just behind the porch and because of a driveway. The house was built in 1940. Other houses in the neighborhood are closer to the sidelines than the current zoning bylaws allow.

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

Statement of Facts

The property in question is located at 346 Linden Street, containing 13,014 square feet of land, in a Single Residence District. A non-conforming dwelling exists on the lot with a left (westerly) side yard of 19.10 feet.

The petitioner requests a variance to allow the construction of a one-story addition approximately 19 feet by 10.5 feet in the area of an existing screened porch (approximately 8 feet by 19 feet) which would be demolished. Said addition would leave a left side yard of 16.50 feet. The petitioners claim a hardship due to an oil tank buried just behind the porch, the fact that the driveway at the left of the house winds around the house to a garage at the right of the rear yard, taking up back yard space. The neighborhood at Linden Street has a number of dwellings which are closer to the lot lines than currently allowed.

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A Plot Plan was presented, drawn by John J. Regan, Registered Land Surveyor of Apex Associates, Newton Highlands, dated September 5, 1986. Construction plans were submitted as were photos of the Lloyd house and neighboring houses.

The Planning Board on May 19, 1987 voted to oppose the variance as it represents a substantial further encroachment on the left side yard.

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 19.10 feet from the left side lot line.

It is the opinion of this Board that a hardship exists on the property due to the location of the house on the lot, the location of the driveway and the location of an oil tank at the rear of the porch. Furthermore, the neighborhood at Linden Street consists of many houses that have less than the currently required setbacks.

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.

Therefore, the requested variance is granted to construct a one-story addition at 346 Linden Street, said addition approximately 19 feet by 10.5 feet in the area of an existing screened porch, as shown on the Plot Plan by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated September 5, 1986, coming no closer than 16.50 from the left (westerly) side 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.

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.

Stephen S. Porter, Chairman

Robert R. Cunningham

William E. Polletta

cc: Planning Board
Building Inspector

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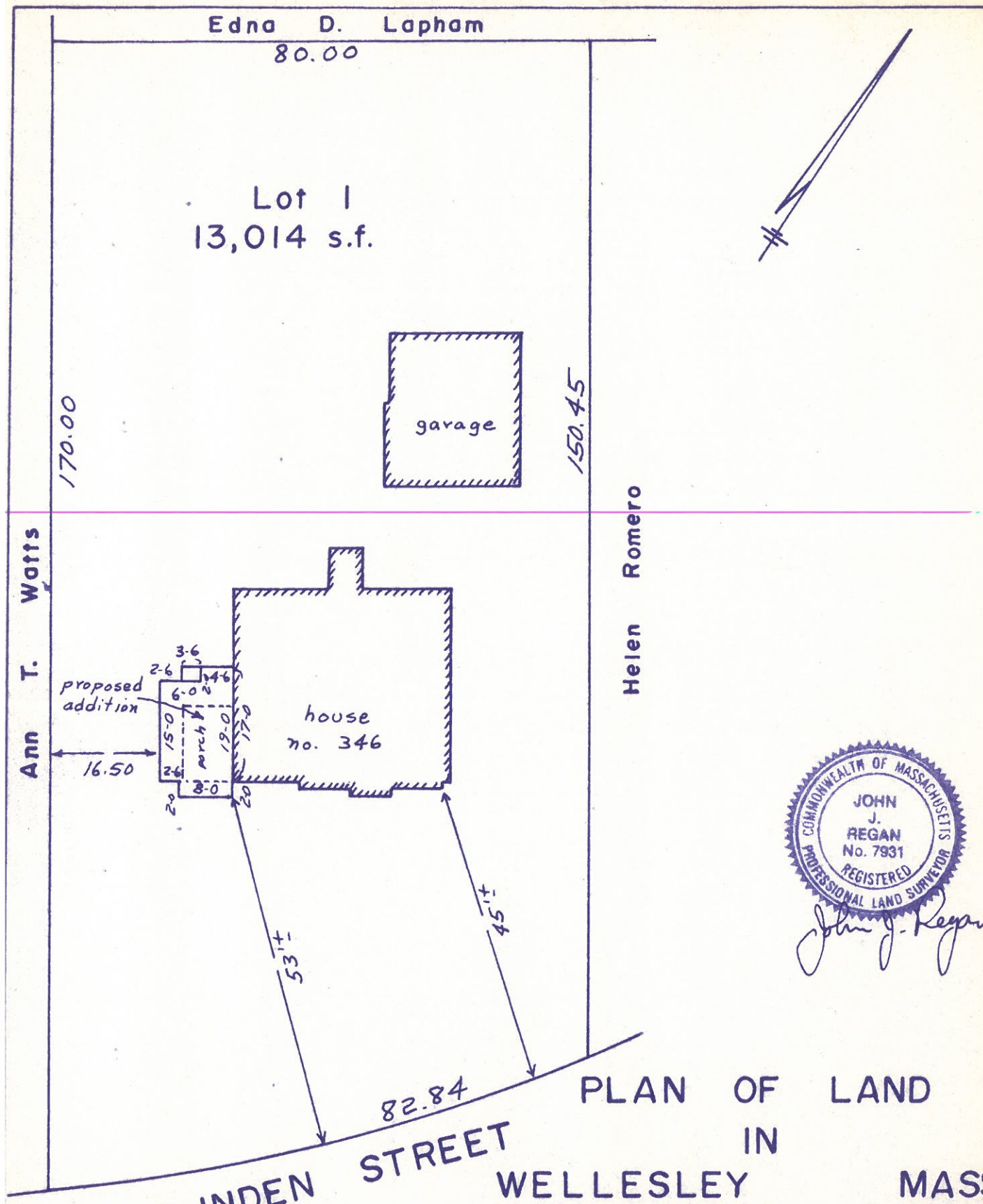

PLAN OF LAND IN WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF

JAMES D. & GINA GRAVES LLOYD

346 LINDEN STREET, WELLESLEY

SCALE 1 IN = 20 FT

APEX ASSOCIATES

NEWTON HIGHLANDS

SEPT. 5, 1986

LAND SURVEYORS

MASS.

5761