



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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MARCH 7 9 46 AM '88

ZBA 88-17
Petition of Gary and Gail Lockberg
22 Cypress Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 3, 1988 at 8 p.m. in the Selectmen's Meeting Room, (Conference Room B), at the Town Hall, 525 Washington Street, Wellesley, on the petition of GAIL AND GARY LOCKBERG requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow removal of an unattached garage and construction of a two-story addition approximately 24 feet by 27.8 feet to their dwelling at 22 CYPRESS ROAD, in a Single Residence District, having less than the required left side yard.

On February 8, 1988, the petitioners 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 were Gary and Gail Lockberg. Mr. Lockberg said that they would were requesting the addition to provide needed space as their family is expanding. Due to the topography of the lot, with ledge on the right side and a severe drop-off in the rear, the left side was the only place to locate the addition. The present encroachment of the garage would be reduced by one foot.

Leonard Heskitt, 20 Hawthorne Road, who shares the ownership of the right-of-way on the left side of the Lockbergs' property with Margaret Alexander, 22 Hawthorne Road, opposed the request. Mr. Heskitt questioned the Lockbergs' right to use the right-of-way. This use would be necessary to provide access to the proposed garage.

Mr. Heskitt presented an undated letter from Margaret Alexander, 22 Hawthorne Road, opposing the request, and one from himself dated March 3, 1988, to be entered in the file.

Mr. Heskitt state he was opposed to the granting of the variance for the following reasons: 1) The present non-conformance would be compounded; 2) The right-of-way may not run to Cypress Road residents; 3) Trees along the right-of-way belonging to Mrs. Alexander would have to be removed, which may be illegal. Mr. Heskitt and Mrs. Alexander own four feet on either side of the right-of-way which would have to be used by the Lockbergs to reach their proposed garage. 4) The proposed building is out of sync with the area, as it is rather dense.

In response to Mr. Heskitt's objections, Mr. Lockberg said that the right to have access to the right-of-way was written in his deed. The Lockbergs use the right-of-way to reach their present garage and would be using an additional ten feet to reach their proposed garage. Mrs. Lockberg stated that she had spoken to Mrs. Alexander regarding the possibility of removing trees adjacent to the right-of-way, and that Mrs. Alexander had not expressed opposition.

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When questioned by the Board why access to the garage could not be directly from Cypress Road, Mrs. Lockberg replied that they wished to pave the back area for a play area for their children. There is an incline from the street to the present garage which would present a problem. The present garage is entered from Cypress Road, through the right-of-way, of which the first 12 feet are paved.

No other person had any comment on the petition.

Statement of Facts

The dwelling with its non-conforming garage is located at 22 Cypress Road, in a Single Residence District, on a 12,159 square foot lot. The house is presently conforming in regard to all setbacks. However, the existing unattached garage is non-conforming as it is 1.37 feet at the front corner from the left side property line which abuts a right-of way which accesses Cypress Road.

The petitioners are requesting a variance to remove said garage and construct a two-story addition, approximately 24 feet by 27.8 feet, to their dwelling; said addition would have a left side clearance of 3.50 at the front corner, the requirement being 20 feet from the left side lot line.

The topography of the lot is such that rock ledge runs through much of the front and right side areas of the property. The lot also contains several levels with a substantial drop-off from the front to the rear of the property and from the rear property line to the home of the rear abutter.

A Plot Plan, dated January 7, 1988, drawn by John J. Regan, Registered Land Surveyor; construction plans and elevations dated 12/28/87, drawn by Brian P. Judge; and photographs were submitted.

The Planning Board, at its regular meeting on February 16, 1988, voted to oppose the granting of the variance as it represents a substantial encroachment on the side yard.

Decision

This Authority has made a careful study of the evidence presented. The subject garage does not conform to the present Zoning Bylaws nor would the proposed addition, as is noted in the foregoing Statement of Facts.

It is the opinion of this Authority that due to the topography 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 substantial detriment to the public good and without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct a two-story addition at 22 Cypress Road, subject to construction in accordance with the Plot Plan and construction plans as submitted, with the left front corner of said addition coming no closer than 3.50 feet from the left side lot line and the left rear corner coming no closer than 11.50 feet from said lot line.

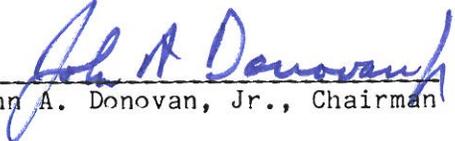
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The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

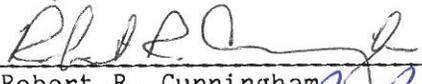
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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
edg



John A. Donovan, Jr., Chairman



Robert R. Cunningham



Kendall P. Bates

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Theodore F. & Priscilla D. Parker

105.17

Margaret W. Alexander

RIGHT OF WAY

110

11.50

23'-0"

Proposed addition

27'-8"

21'-8"

24'-0"

house no. 22

porch

proposed deck

Prop. add.

porch

porch

6' garage to be removed
11'-0" removed
1.37 to garage corner board
3.50 to corner board of addition
10'-0" to corner board of addition

12,159 s.f.

126.29

Donald H. & Beverly J. Gill

78.8

18.68

CYPRESS

ROAD

PLAN OF LAND IN WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF GARY & GAIL LOCKBERG 22 CYPRESS ROAD WELLESLEY



John J. Regan

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FEB 8 11 01 AM '88

SCALE 1 IN = 20 FT JOHN J. REGAN NEWTON HIGHLANDS

JAN. 7, 1988 LAND SURVEYOR MASS.