



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

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WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 88-27

Petition of Jeffrey and Lisa Tibbetts
23 Hastings Street

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 JEFFREY AND LISA TIBBETTS requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction at their non-conforming dwelling at 23 HASTINGS STREET, in a Single Residence District, consisting of an enclosure of an existing porch approximately 5 feet 6 inches by 17 feet 10 inches and a second floor addition approximately 5 feet 6 inches by 19 feet over the enclosed porch, with less than the required front setback.

On March 7, 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 Jeffrey and Lisa Tibbetts who were accompanied by their builder, Scott Sorensen. The Tibbetts explained that they were enclosing an existing porch and constructing an addition over the porch to add a bedroom and extend the dining room in the new space on the ground floor. A variance from the front setback had been granted in 1962 for construction of an addition. The proposed enclosure and addition would create no further encroachment.

No other persons had any comment on the petition

Statement of Facts

The non-conforming dwelling is located at 23 Hastings Street, in a Single Residence District, on a 8,777 square foot lot with a minimum front setback of 23 feet.

The petitioners are requesting a variance to enclose an existing porch approximately 5 feet 6 inches by 17 feet 10 inches and to construct a second floor addition approximately 5 feet 6 inches by 19 feet over the enclosed porch with a front setback of 23 feet from the property line.

In 1962, the Zoning Board of Appeals granted the petition of William and Virginia McCormick appealing the refusal of the Inspector of Buildings to grant a building permit to construct an addition on the side of the dwelling as the addition would violate the requirement of a 30 foot front yard (ZBA 62-39). The Board granted the requested exception to construct an addition coming no closer than 23 feet from the front property line as the home had been built at the turn of the century before the Zoning Bylaw had been enacted and there was a real need to expand the four room home.

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A Plot Plan, dated October 19, 1962, drawn by Gleason Engineering Company and a copy of the Plot Plan submitted to the Building Department dated April 2, 1963, signed by W.H. Gleason, Registered Land Surveyor were submitted. The Plot Plan was accepted because, although not of recent date, the footprint of the dwelling has remained unchanged and the porch in question is shown. Construction plans and elevations dated October 1, 1987, drawn by Joslin, Lesser and Associates, Inc.; elevations dated March 9, 1988, drawn by Scott Sorensen and photographs were also submitted.

The Planning Board, at its regular meeting on March 15, 1988, voted to offer no objection to the granting of this petition.

Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed porch enclosure and second floor addition conform to the present lines of the house and do not alter the relationship of the house to the front lot line.

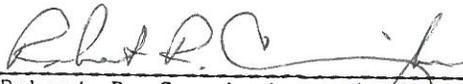
It is the further opinion of this Authority that because of the location of the house on the lot and in light of the 1962 decision of the Zoning Board of Appeals granting permission to construct an addition with a front setback of 23 feet, that a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted subject to construction in conformance with the plot plan and construction plans as submitted and noted in the Statement of Facts, said construction coming no closer than 23 feet from the front property 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.


Robert R. Cunningham, Acting Chairman


Kendall P. Bates

cc: Planning Board
Inspector of Buildings
edg


William E. Polletta



SURVEY RECORD

PLOT PLAN

Permit No. 14550

Street HASTINGS ST. No. 19A

Builder PURDY CONSTRUCTION Co

Address WELLESLEY

Owner WILLIAM MCCORMICK

Address WELLESLEY

Building dimensions 14' x 30.7' (ADDITION)

Distances:

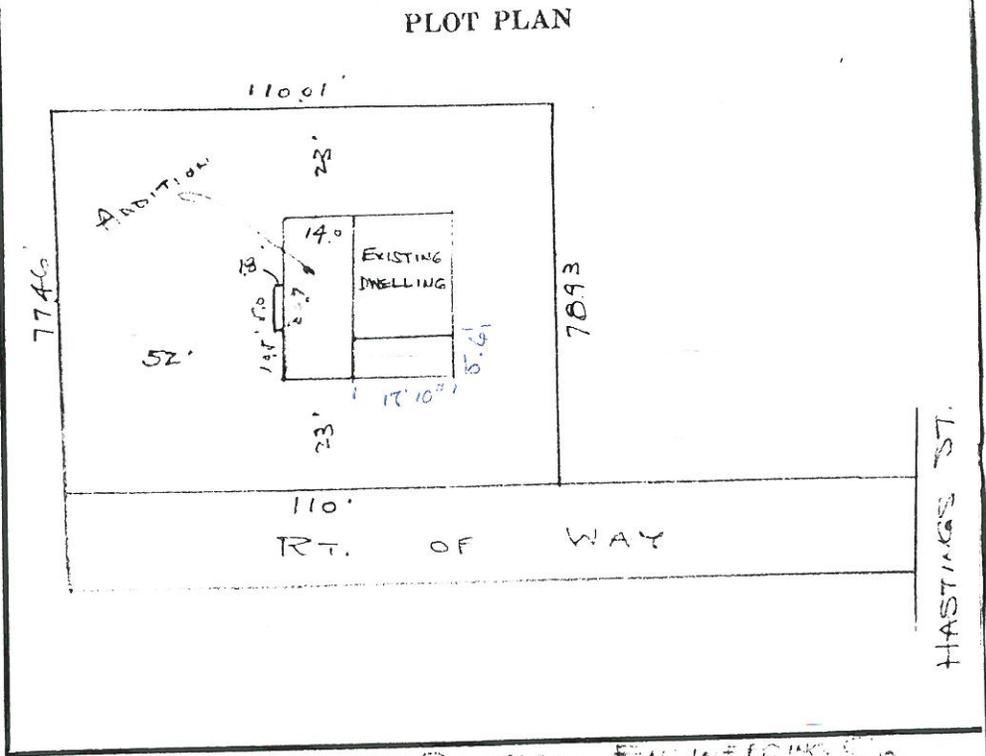
Adjoining Bldgs.....

Center of street 125'

Front Yard 105' Rear Yard 52'

Side Yard 23' Side Yard 23'

Area of Lot 8777 Sq Ft



COMPLETE INSTRUCTIONS ON REVERSE SIDE OF DUPLICATE COPY

ORIGINAL

GLEASON ENGINEERING Co.

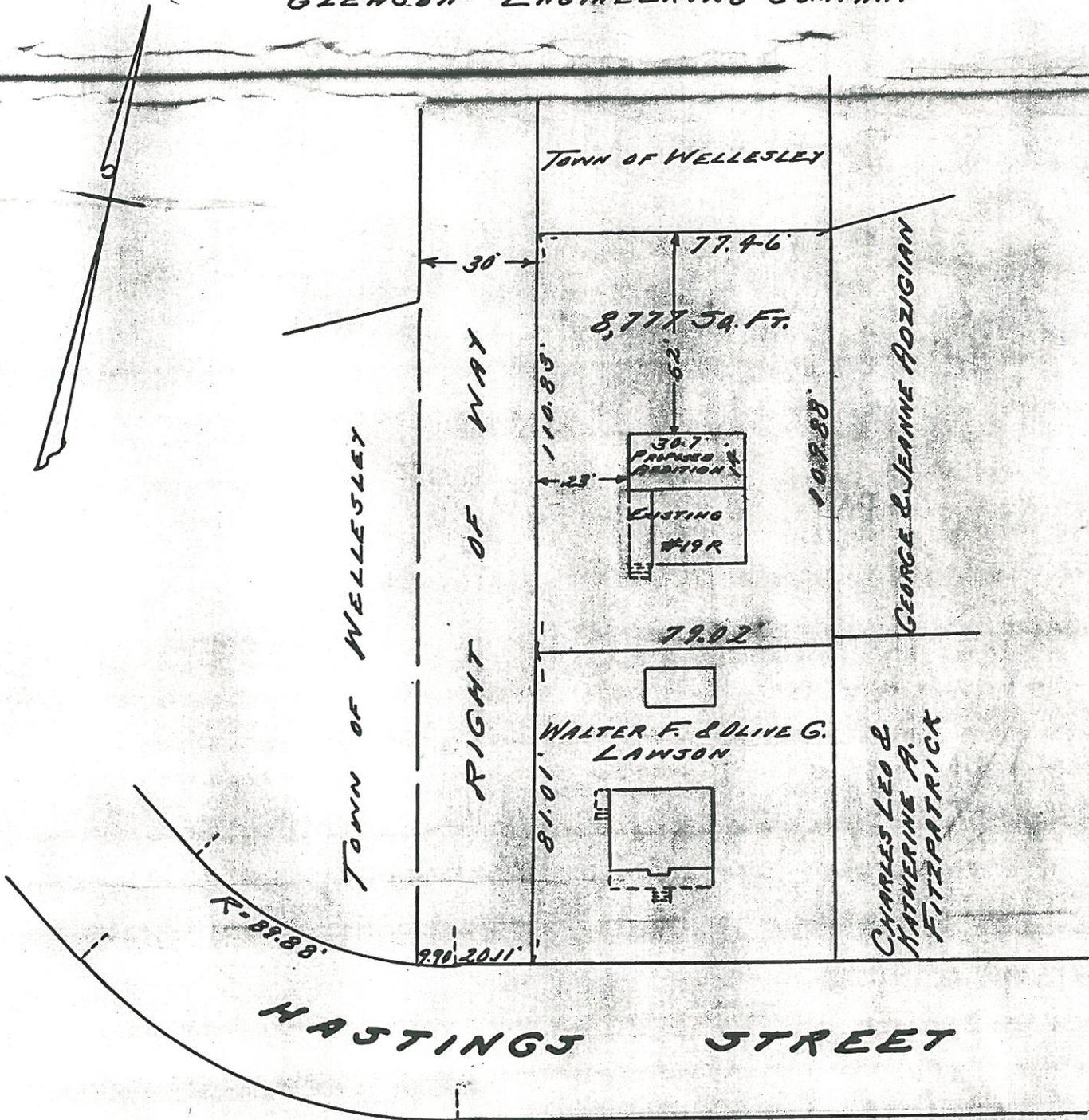
Signed By: *[Signature]* Registered Engineer or Surveyor

Date April 2 1968 Address *[Address]*

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PLAN OF LAND
 IN
WELLESLEY, MASS.
 OWNED BY
WILLIAM T. & VIRGINIA P. McCORMICK
 SCALE 40 FEET TO AN INCH
 OCTOBER 19, 1962.
 GLEASON ENGINEERING COMPANY



88. MAR 7 9 11 AM '62
 FIELD ENGINEER'S OFFICE
 WELLESLEY, MASS.