TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-40
Petition of Richard and Linda Horan
40 Pilgrim Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 19, 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 RICHARD AND LINDA HORAN requesting a variance from the terms of Section XIX and pursuant to the Section XXIV-D of the Zoning Bylaw which will allow the remodeling of an existing porch to include an addition to said porch approximately 4 feet 9 inches by 8 feet at their non-conforming dwelling at 40 PILGRIM ROAD, in a Single Residence District, said addition having less than the required front setback from MARTIN ROAD; and a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to bring their non-conforming dwelling with less than the required front setback from PILGRIM ROAD into conformance with the current Zoning Bylaw of the Town.

On May 2, 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 was Richard Horan who said he had begun to remove the existing walls of the sun porch, without a building permit, when he decided to add five more feet to the non-conforming structure. The original porch was screened and unheated. The Horans wish to remodel the porch for use as a playroom.

No other persons had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 40 Pilgrim Road, in a Single Residence District, on a 15,810 square foot lot with a minimum front setback of 27.4 feet from Martin Road and a minimum front setback of 25.5 feet from Pilgrim Road.

The petitioners are requesting a variance to remodel an existing porch including an addition to said porch approximately 4 feet 9 inches by 8 feet, leaving a front setback of 26.2 feet from Martin Road. They are also requesting a variance to bring their non-conforming dwelling with a minimum front setback of 25.5 feet from Pilgrim Road into conformance with the current Zoning Bylaw of the Town.

A Plot Plan, dated April 19, 1988, drawn by John J. Regan, Registered Land Surveyor, construction plans, dated April, 1988, drawn by Richard Horan, and photographs were submitted.

The Planning Board, on May 17, 1988 voted to offer no objection to the request as it appears the additional encroachment on the inadequate side yard is minimal.

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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 addition conforms to the present lines of the house and the encroachment of 1.2 feet of the porch addition on the front setback from Martin Road is not severe enough to be disallowed.

It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners 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 to enclose the existing porch and construct the addition to said porch subject to construction in accordance with the plot plan and constructions plans as noted in the Statement of Facts.

The requested variance is also granted to bring the non-conforming dwelling with less than the required front setback from Pilgrim Road into conformance with the current Zoning Bylaw of the Town for the same reasons as enumerated above.

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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

William E. Polletta

cc: Planning Board
Inspector of Buildings
edg

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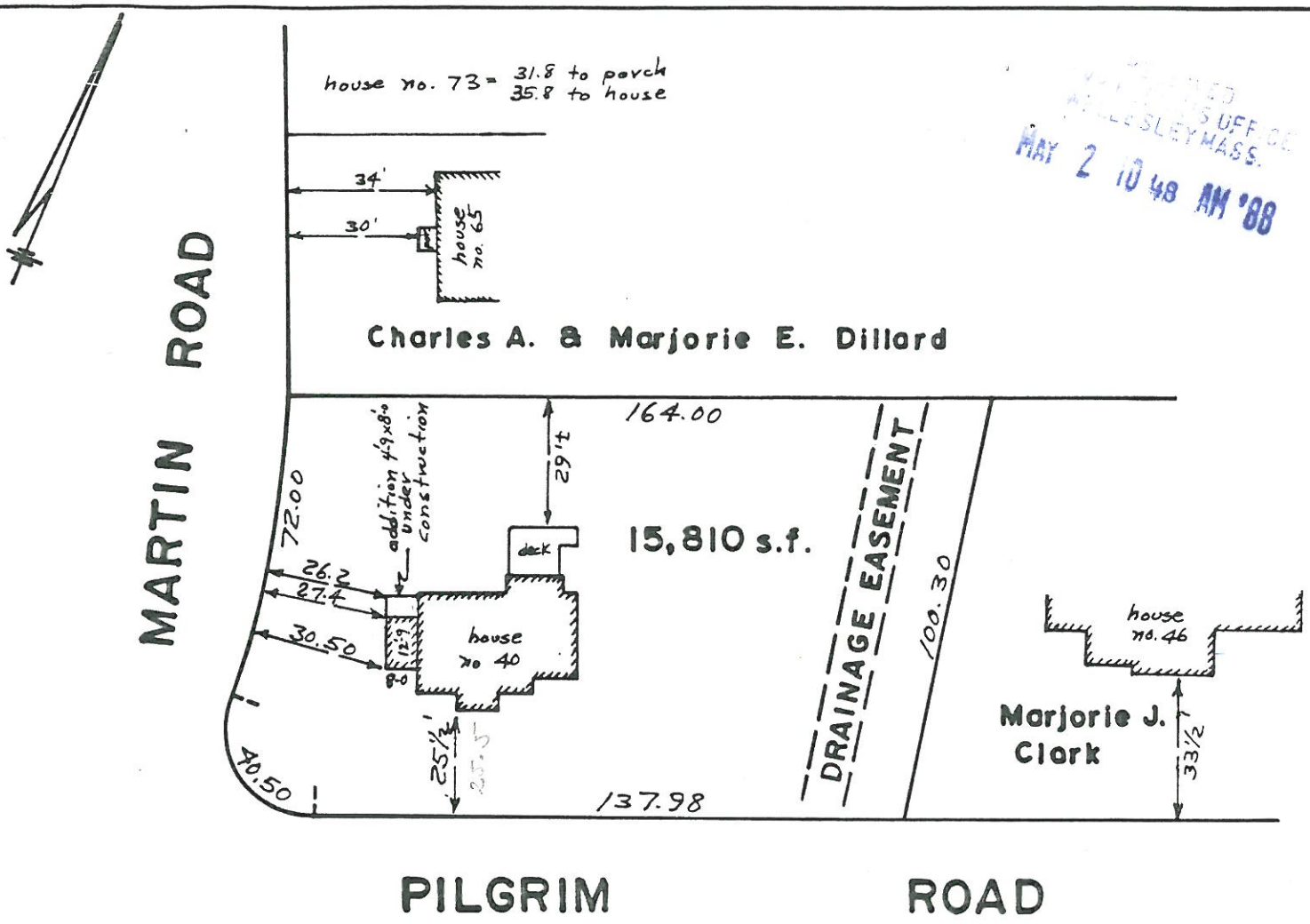

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COMMONWEALTH OF MASSACHUSETTS
JOHN J. REGAN
No. 7931
REGISTERED PROFESSIONAL LAND SURVEYOR

John J. Regan

PLAN OF LAND IN WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
RICHARD T. & LINDA A. HORAN
40 PILGRIM ROAD
WELLESLEY

SCALE 1 IN = 40 FT
JOHN J. REGAN
NEWTON HIGHLANDS

APRIL 19, 1988
LAND SURVEYOR
MASS.

4832