



Oct 17 9 08 AM '89

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
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431-1019

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ZBA 89-56
Petition of Nicole Hartnett
296 Linden Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 28, 1989 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of NICOLE HARTNETT requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow a foundation poured as a base for a one-story addition to her non-conforming dwelling at 296 LINDEN STREET, in a Single Residence District, to be brought into conformance with the current Zoning Bylaw of the Town. Said foundation has less than the required front setback.

On September 8, 1989, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Nicole Hartnett, who said that on August 3, 1989, she applied for and received a foundation permit for an addition to her home. The foundation was poured according to the specifications submitted. When the foundation was completed and a land survey done, the Inspector of Buildings noticed that the front setback was non-conforming. The foundation was poured in the exact location of the foundation permit, but because the front setback had not been noted on the original plot plan, the Building Inspector did not notice that the foundation would result in the ensuing nonconformance.

Ms. Hartnett requested a variance for four feet so that she would not have to demolish and relocate the foundation which would represent a significant financial hardship. She said that none of the abutting neighbors opposed the addition.

Kathy Whittemore, 297 Linden Street, the abutter directly across the street from the petitioner, expressed support for the request, and noted that the addition is set further back from the street than the existing front of the house.

Statement of Facts

The non-conforming dwelling is located at 296 Linden Street, in a Single Residence District, on a 6,488 square foot lot, with a minimum front yard setback of 15 feet and a minimum left side yard clearance of 13 feet.

The petitioner applied for and received a foundation permit (#24,421) from the Building Department for the construction of a one-story addition to her existing home. The foundation was poured as shown on the plot plan submitted for the foundation permit. When the Zoning Certification Plan was filed showing the location of the completed foundation, the Inspector of Buildings noted that the foundation was non-conforming in regard to the front setback, and that the front

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setback had not been shown on the original plot plan submitted with the foundation permit.

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The petitioner requests a variance for the foundation, approximately 16 feet by 18 feet, poured as a base for a one-story addition, to be brought into conformance with the current Zoning Bylaw of the Town. The foundation has a minimum front setback of 26.17 feet which is less than the required setback of 30 feet.

A Plot Plan, dated July 27, 1989, revised August 15, 1989, drawn by Kenneth J. Miller, Registered Land Surveyor; undated, unsigned construction plans and elevations; and photographs were submitted.

The Planning Board, on September 12, 1989, voted to offer no objection to the variance request.

Decision

This Authority has made a careful study of the evidence submitted, and is of the opinion that the existing dwelling at 296 Linden Street is not in conformance with the current Zoning Bylaw of the Town.

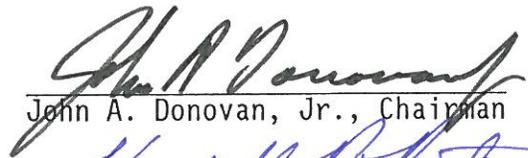
The Board is of the opinion that a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve substantial hardship to the petitioner, and that the allowance of the variance would be neither detrimental to the neighborhood, nor be in derogation of the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw is granted to allow the existing foundation for a one-story addition to the non-conforming dwelling at 296 Linden Street with a setback from Linden Street of 26.17 feet, as shown in the Plot Plan described in the foregoing Statement of Facts, to be brought into conformance with the current Zoning Bylaw of the Town.

The Inspector of Buildings is hereby authorized to issue a permit for the construction necessary to complete the one-story addition upon his receipt and approval of a building application and construction plans.

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

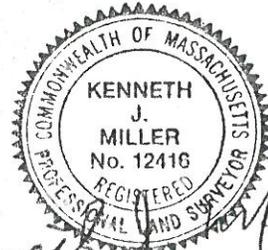

John A. Donovan, Jr., Chairman

Kendall P. Bates

Franklin P. Parker

I CERTIFY THAT THIS DWELLING IS LOCATED AS SHOWN.

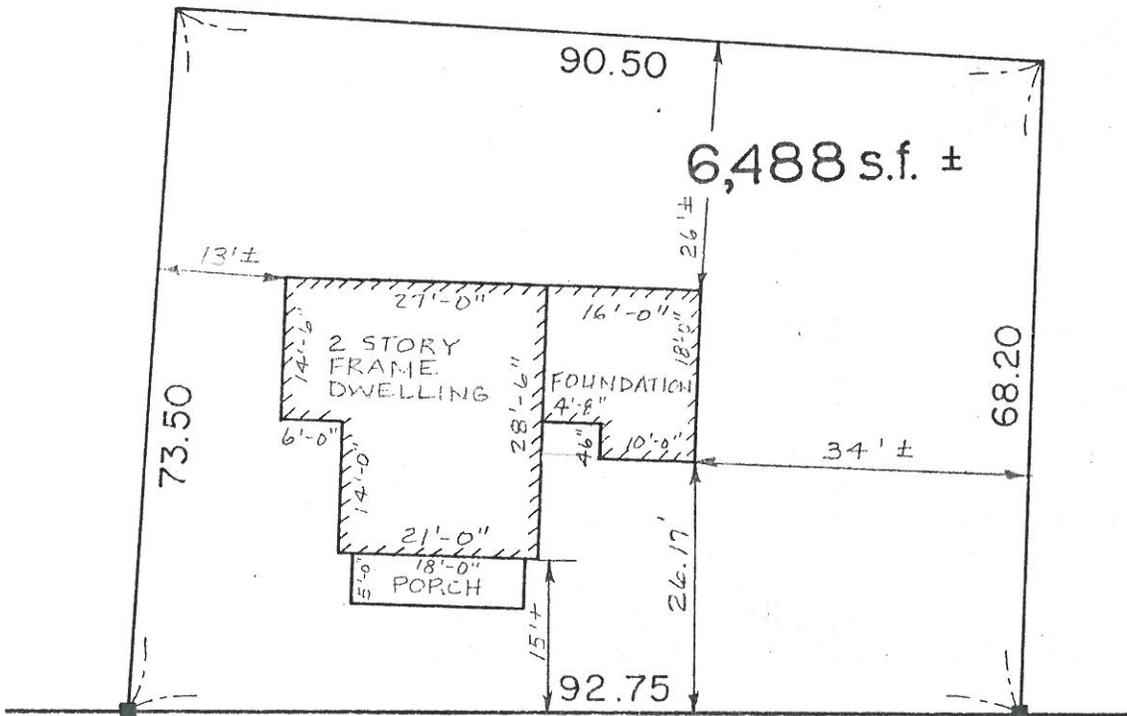
7/27/89
8/15/89



Kenneth J. Miller

SEP 8 10 04 AM '89

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WELLESLEY, MA 02181



LINDEN ST.

PLAN OF LOT (PART OF LOT 39) IN
WELLESLEY, MASS.

K. J. MILLER COMPANY, INC.
Civil Engineers
& Land Surveyors
106 WEST STREET
WILMINGTON, MASS. 01887

SCALE: 1 IN. = 20 FT.

DATE: 7-26-89

PROPERTY REFERENCE

LAND COURT

Case No. _____

REGISTRY OF DEEDS
N.R.D.

Deed Book 6550 Page 293
Plan Book 2 Page 15

Drawn By *R.C.C.*

Checked By _____

Project No. _____