



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 90-16
Petition of Logan R. Huffman
73 Longfellow Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 22, 1990 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 LOGAN R. HUFFMAN requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a two-story single family dwelling, approximately 44 feet by 30 feet, at 73 LONGFELLOW ROAD at the corner of WORCESTER STREET, in a Single Residence District. Said dwelling would be non-conforming in that it would have less than the required setback from LONGFELLOW ROAD and less than the required setback from WORCESTER STREET, as all existing buildings on both streets, on a frontage of 500 feet, including the affected lot, have front yards of a greater depth than 30 feet.

On March 5, 1990, the petitioner 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 Ingrid Duckworth Bellemere, owner of the property, and Logan R. Huffman, the petitioner and prospective buyer of the property. Mrs. Bellemere explained that when the lot was subdivided in 1975, a mistake was made by the expert hired to draw the lot line. As it is no longer a financial possibility for her to build on the lot, she has found a buyer who will build a house in keeping with the neighborhood. Mrs. Bellemere said that although the lot line should have been drawn differently, she did not create the problem with which she is now saddled and hoped the Board would grant the variance to allow construction.

Mr. Huffman presented several diagrams and copies of the Town Plan of the area. He said that he felt that the setback regulation was enacted to protect the streetscape, but in this situation only two homes are visible from the street. He added that the homes on both Longfellow Road and Worcester Street are so far removed from the subject property that the setback difference would be noticeable only by survey. Mr. Huffman stated that only a small triangular dwelling could be built on the property without a variance.

John Hurley, 78 Longfellow Road, expressed support for the petition, stating that he preferred the Huffman plan to the existing vacant lot, or construction of a triangular house.

Barbara Mank, 63 Longfellow Road, said that she had no issue with the construction, but expressed concern regarding the traffic and possible ecological problems due to run-off from the high embankment on the Longfellow side of the lot.

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Boris Katsnelson, 67 Longfellow Road, opposed the petition, stating concern with traffic and ecological matters. He felt that the construction would devalue his property.

The Board stated that the traffic problems were not created by the lot, and could be more properly addressed by some other Town authority.

John Riley, 68 Longfellow Road, also expressed opposition to the request as he felt that a conforming dwelling could be built on the property, and that although the front setbacks of the homes on the even-numbered side of Longfellow Road were approximately 40 feet, the character of the homes on the odd-numbered side differed dramatically and the setback requirement should be maintained.

Barbara Burge, 65 Longfellow Road, said she had no objections to the house, but would object if the driveway exited onto Worcester Street.

Katherine Mitchell, 53 Longfellow Road, objected to any non-conforming structure being built on the lot.

Statement of Facts

The property in question is located at 73 Longfellow Road on the corner of Worcester Street, in a Single Residence District, and consists of 16,490 square feet according to a Plot Plan dated February 26, 1990, drawn by Joseph R. Sullivan, Registered Professional Surveyor.

On July 21, 1975, the Wellesley Planning Board signed an Approval Not Required Plan, dated May 3, 1975, drawn by Alexander Crucoli, Registered Land Surveyor, which divided the 58,689 square foot lot into two lots; one lot having 42,083 square feet with a single family dwelling, and the subject triangular lot having 16,606 square feet (PBC 75-12).

The petitioner is requesting a variance to allow construction of a two-story house, approximately 44 feet by 30 feet, which would be non-conforming in that it would have a 40 foot front setback from both Worcester Street and Longfellow Road, which is less than is required as all existing buildings on both streets, on a frontage of 500 feet, including the affected lot, have front yards of a greater depth than 30 feet. The controlling building at 325 Worcester Street has a front yard setback of 52 feet and the controlling building at 63 Longfellow Road has a front yard setback of 63.5 feet.

A Plot Plan noted above dated February 26, 1990, drawn by Joseph R. Sullivan, Registered Professional Surveyor; construction drawings dated February 28, 1990, drawn by McCarthy & Associates; and photographs were submitted.

Letters of support of the petition were received from Mr. and Mrs. Nicolaie Pukatch, 329 Worcester Street and Therese Levesque, 70 Longfellow Road.

A letter expressing opposition to the request was received from Mr. and Mrs. John Riley, 68 Longfellow Road.

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The Planning Board, on March 13, 1990, voted to oppose the variance request on the grounds that the hardship was self-created.

Decision

This Authority has made a careful study of the evidence presented. The proposed dwelling would be non-conforming in that it would have a front setback of 40 feet from Worcester Road which would be 12 feet less than required and a front setback of 40 feet from Longfellow Road which would be 23.5 feet less than required.

Section XXIV-D 1.(a) of the Zoning Bylaw states:

"Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellants owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created."

It is the opinion of this Authority that the denial of this petition would result in financial hardship for the property owner who was not responsible for the division of the property in 1975 by which the subject lot was created.

It is the opinion of this Authority that a substantial hardship exists due to the triangular shape of the lot, and its location as a corner lot requiring the unusual dual frontage setback requirements of 52 feet from Worcester Street and 63.5 feet from Longfellow Road. The existence of these hardships affect the particular lot, but not the zoning district in which it is located, as no other lot on either Worcester Street or Longfellow Road has a triangular shape with two such stringent front setback requirements from two of the three lot lines.

It is the further opinion of this Authority that for the above mentioned reasons, 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 to construct a two-story dwelling at 73 Longfellow Road in accordance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of Facts, said dwelling coming no closer than 40 feet to each of the front lot lines and 20 feet from the third lot 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.

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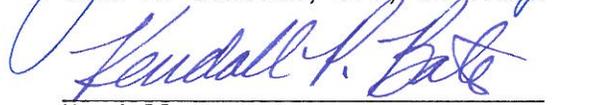
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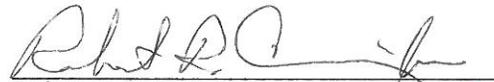
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

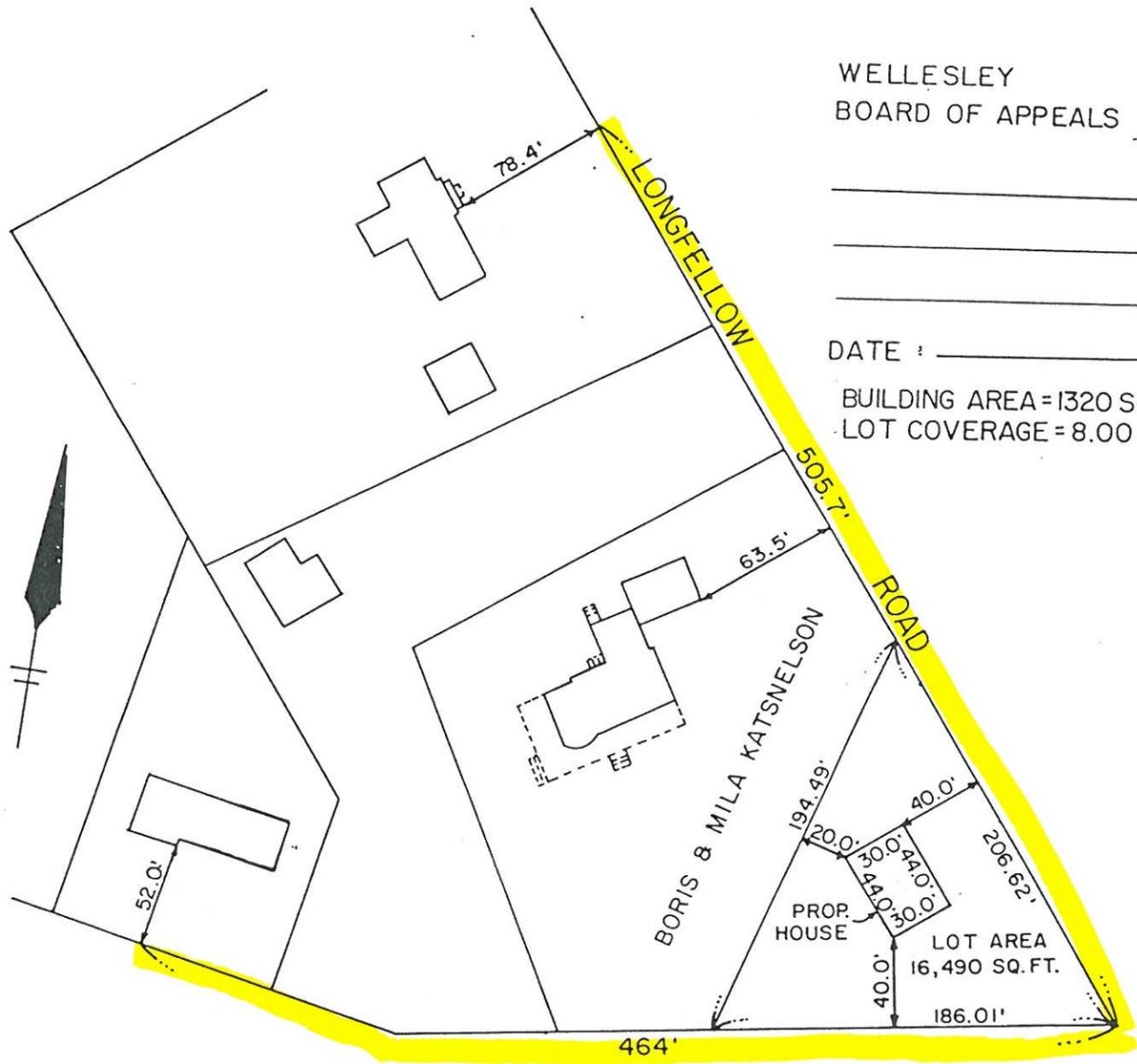
cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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WELLESLEY
BOARD OF APPEALS

DATE : _____

BUILDING AREA = 1320 SQ. FT.
LOT COVERAGE = 8.00 %

WORCESTER (ROUTE 9) STREET

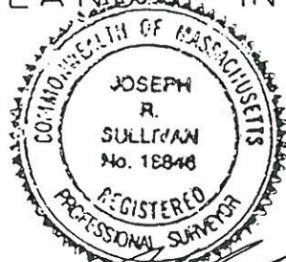
PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY : STEVEN M. & INGRID DUCKWORTH

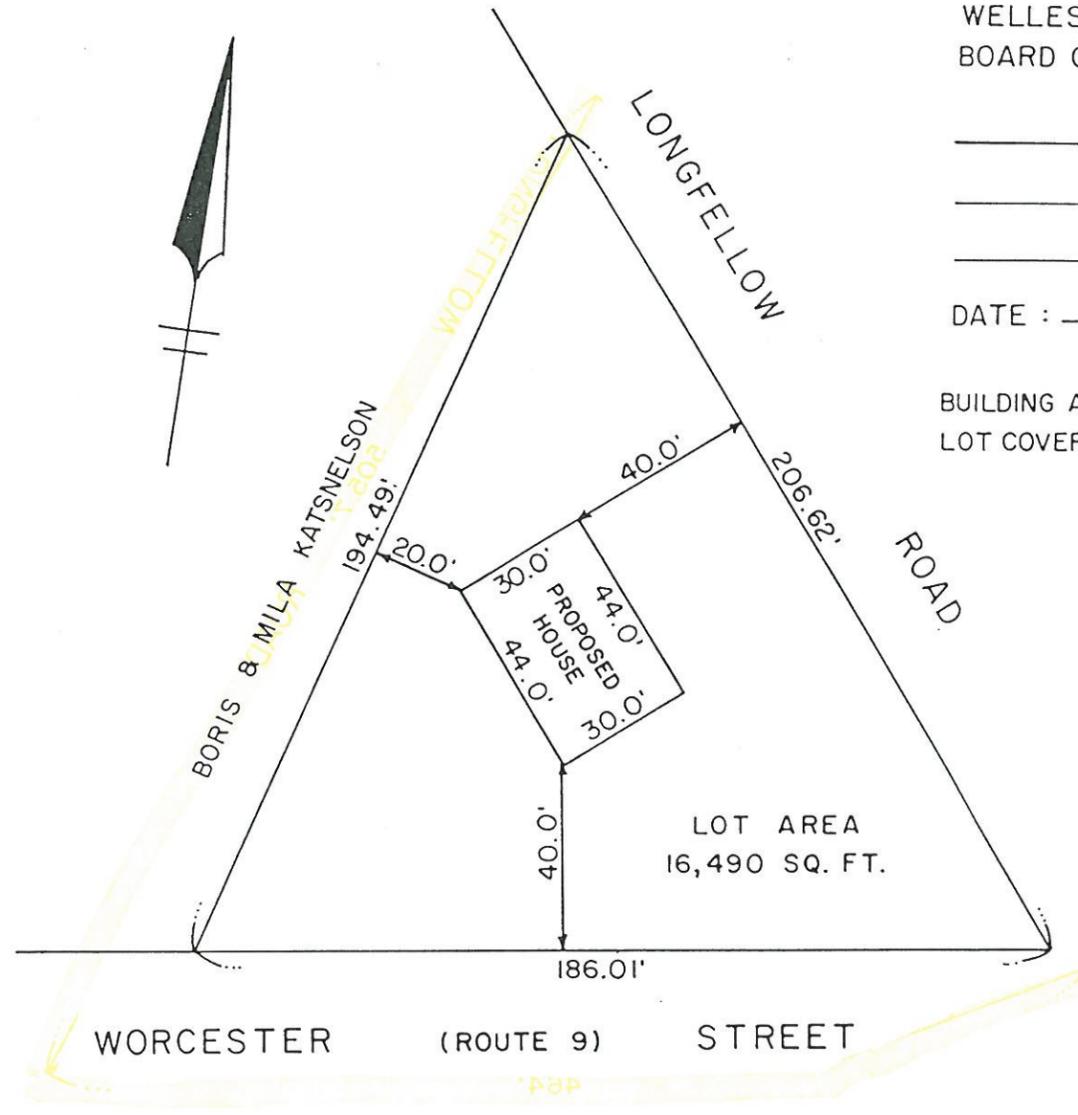
SCALE : 1" = 80'

FEBRUARY 26, 1990

PLAN BY : MacCARTHY & SULLIVAN ENGINEERING, INC.
209 WEST CENTRAL STREET NATICK, MASS.



JOSEPH R. SULLIVAN
REG. PROF. SURVEYOR



WELLESLEY
BOARD OF APPEALS

DATE : _____

BUILDING AREA = 1320 SQ. FT.
LOT COVERAGE = 8.00 %

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY : STEVEN M. & INGRID DUCKWORTH

SCALE : 1" = 40'

FEBRUARY 26, 1990

PLAN BY : MacCARTHY & SULLIVAN ENGINEERING, INC.
209 WEST CENTRAL STREET NATICK, MASS.



JOSEPH R. SULLIVAN
REG. PROF. SURVEYOR