



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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

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Executive Secretary  
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MAY 11 8 43 AM '90

RECEIVED  
TOWN OF WELLESLEY  
WELLESLEY, MA 02181  
WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

ZBA 90-18  
Petition of Kent and Sally Fox  
30R Morses Pond Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 26, 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 KENT AND SALLY FOX requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw which will allow the removal of an unfinished shed and the construction of a two-story addition, approximately 24.8 feet by 8.7 feet, which would include raising the ridge line of the roof approximately 1 foot to accommodate the addition at their non-conforming dwelling at 30R MORSES POND ROAD, in a Single Residence District, with less than the required right side yard.

On April 9, 1990, 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 Kent Fox, who said that the existing shed must be replaced as it is rotting and not on a proper foundation. Since it must be replaced, he would like to expand the usable space by about one more foot toward the front and right side lot lines. Mr. Fox said that there is a 30 inch retaining wall behind the shed. He would like to build the addition to the retaining wall, setting the foundation at the edge of the wall. Mr. Fox said he had no alternative to locating the addition at the rear of the house due to the presence of steep slopes in the front and on the side of the property.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 30R Morses Pond Road, in a Single Residence District on a 17,915 square foot lot. The front yard width is 50 feet running southwesterly for a distance of 99 feet at which point the lot line runs parallel to Morses Pond Road in an easterly direction for 75 feet. The non-conforming dwelling is sited with a less than minimum setback of 12.9 feet from this front side line and a minimum right side yard clearance of 6.2 feet. The dwelling is situated so that the front of the house faces Morses Pond, while the rear of the house is at the front side line.

The petitioners are requesting to remove an existing shed approximately 7.2 feet by 17.2 feet with a minimum right side yard clearance of 11.8 feet and a minimum front side yard clearance of 12.9 feet; to construct a two-story addition approximately 24.8 feet by 8.7 feet which would leave a minimum right side yard clearance of 10.8 feet and a minimum front side yard clearance of 11.3 feet and to raise the ridge line of the roof approximately 1 foot to accommodate this addition.

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A Plot Plan dated November 15, 1989, drawn by Sidney R. Vaughan, Registered Professional Land Surveyor; a sketch of land showing ground elevations from Morses Pond to the top of the retaining wall, dated November 15, 1989, drawn by Cheney Engineering Company; construction drawings and elevations drawn by The Architects Forum, Inc.; and photographs were submitted.

On December 17, 1989, the Wetlands Protection Committee issued a Determination of Applicability stating that a Notice of Intent was not required to be filed for the project.

The Planning Board, on April 10, 1990, voted to offer no objection to the request.

Decision

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

It is the opinion of this Authority that due to the topography of the property with steep slopes at the front and side, the addition could not be relocated to another position, and that in this particular situation, the 1 foot further encroachment on the right side yard and the 1.6 foot encroachment on the front side yard can be allowed.

It is the opinion of this Authority that, because of the topography of the lot, the shape 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 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 subject to construction in accordance with the Plot Plan and construction drawings as submitted and detailed in the foregoing Statement of Facts.

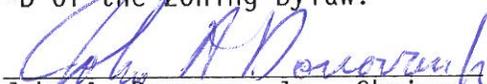
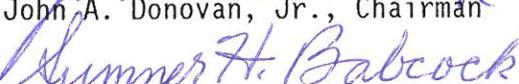
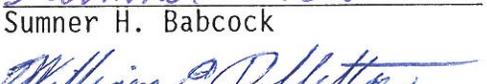
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

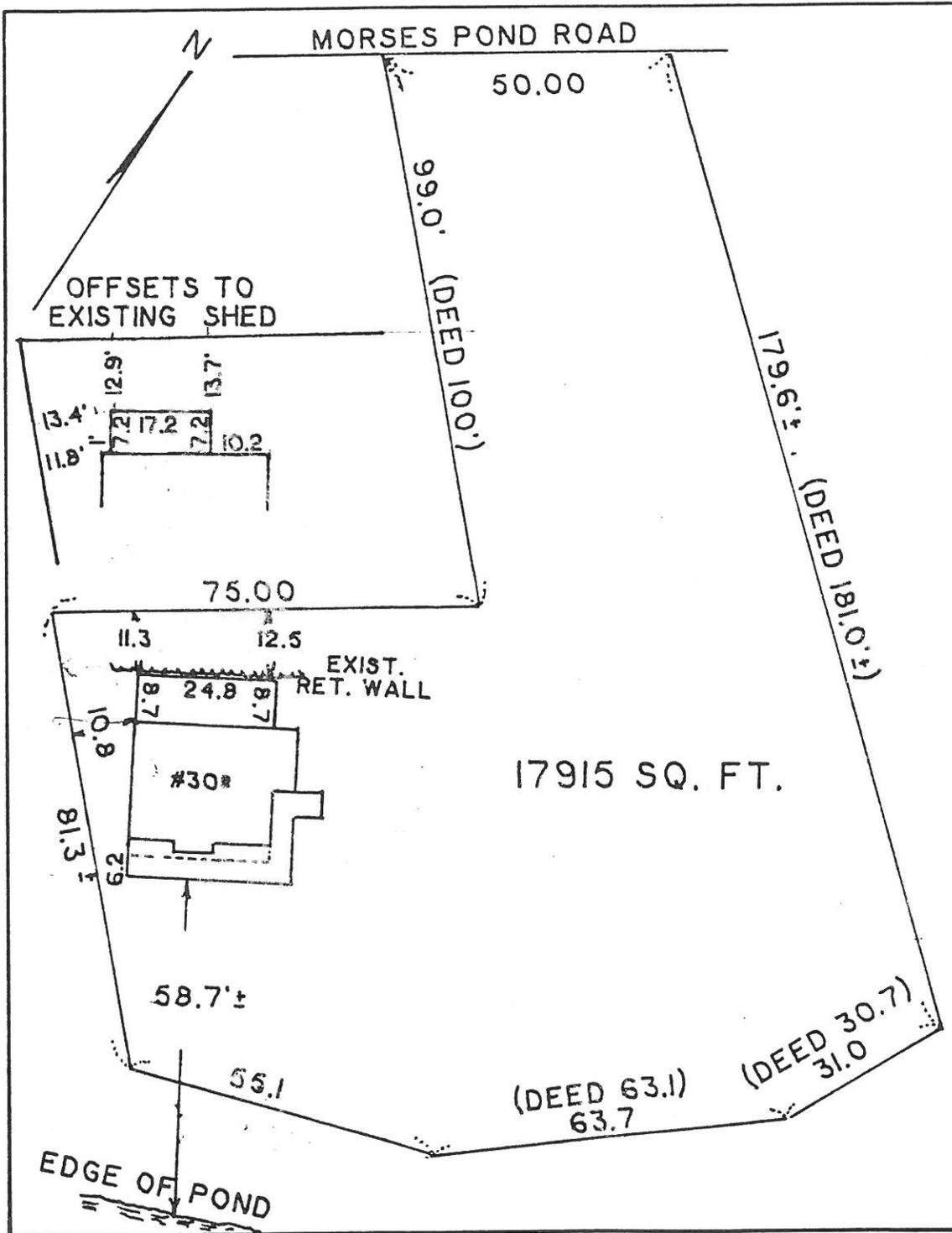
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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  
  
Sumner H. Babcock  
  
William E. Polletta



Nov. 15, 1989  
Date

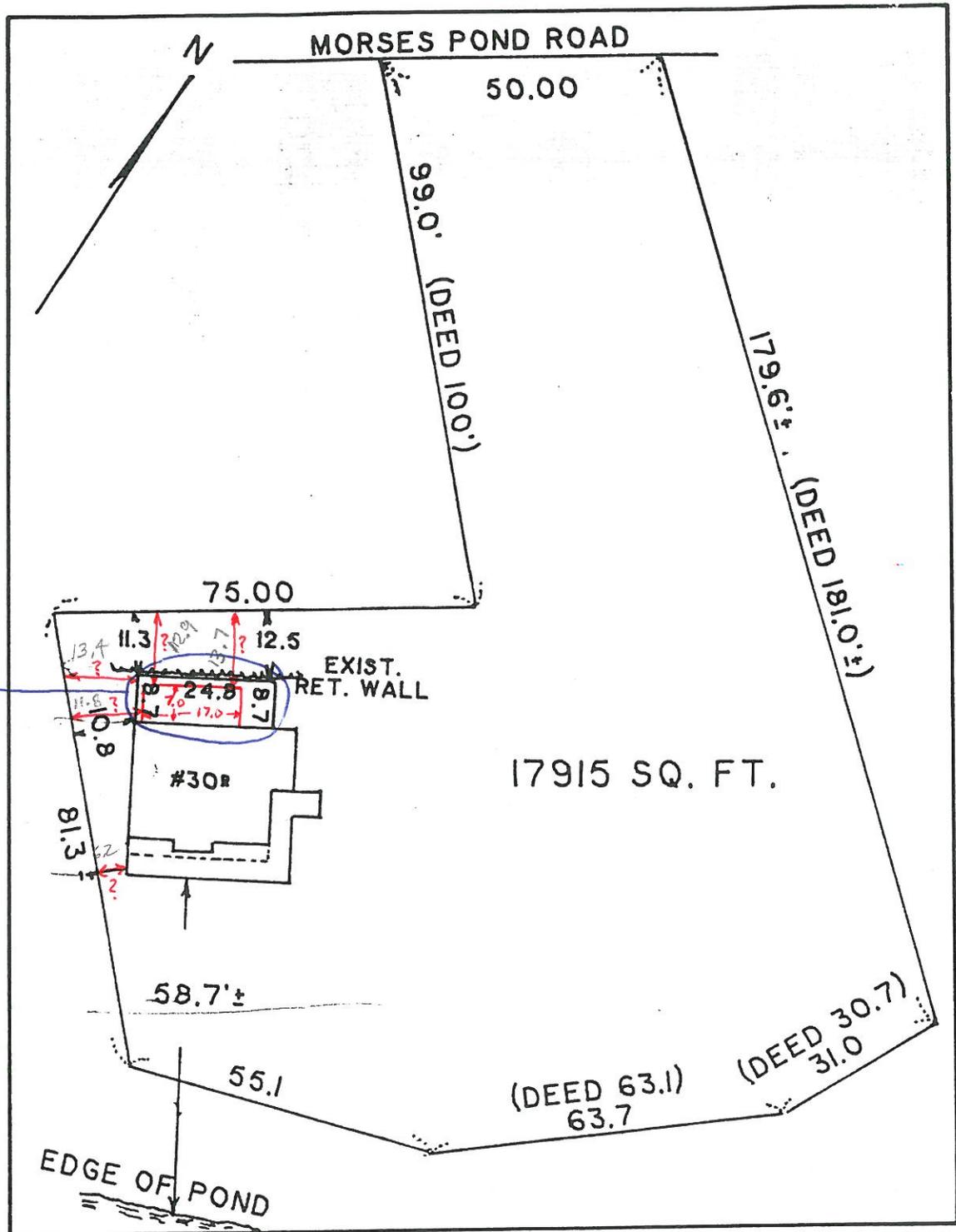
Sidney R. Vaughan  
Reg. Land Surveyor

OFFSETS ADDED 3/8/90  
SRV.

Cheney Engineering Co., Inc.  
32 Junction Street  
Needham, Mass. 02192



# CERTIFIED PLOT PLAN



Nov. 15, 1989  
Date

Sidney R. Vaughan  
Reg. Land Surveyor

Cheney Engineering Co., Inc.  
32 Junction Street  
Needham, Mass. 02192

