



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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WILLIAM E. POLLETTA
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ZBA 90-77
Petition of Gerald W. and Caroline Lange
12 Granite Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 27, 1990 at 8 p.m. in the Great Hall of the Town Hall, 525 Washington Street, Wellesley on the petition of GERALD W. AND CAROLINE LANGE requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to construct a one-story addition, approximately 13 feet 3 inches by 12 feet 1 inch at the left front corner of their non-conforming dwelling at 12 GRANITE STREET, in a Single Residence District, with less than the required left side yard.

On September 10, 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 were Gerald and Caroline Lange. Mr. Lange said they needed more space in the house and would like to construct the addition, which would extend the existing line of the house. Due to the angle of the lot line, the addition would come closer to the left side lot line.

The Board commented that there had been no variance granted for an existing non-conforming deck and that both the left and right sides of the house were non-conforming. The Board stated that it could not grant a variance for an addition which would come 2 and 1/2 feet closer to the left side lot line.

Jim Jacobs, 9 Granite Street, expressed concern with the elimination of driveway space were the addition to be constructed, which might result in cars parked in the street.

Richard Sanner, 16 Granite Street, expressed opposition to the petition.

Carl Rydberg, 8 Granite Street, the affected abutter, supported the petition.

Statement of Facts

The non-conforming dwelling is located at 12 Granite Street, in a Single Residence District, on a 8,198 square foot lot, with a minimum left side yard clearance of 9.43 feet from the left front corner of the dwelling. Although the submitted Plot Plan does not specify the right side yard clearance, it appears to be less than the required 20 feet. The Plot Plan also shows a deck, which also appears to be non-conforming, at the right rear corner of the dwelling for which no building permit was ever issued, or variance requested.

The petitioners are requesting a variance to construct a one-story addition approximately 13 feet 3 inches by 12 feet 1 inch, at the left front corner of the dwelling, which would leave a minimum left side yard clearance of 6.79 feet.

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A Plot Plan dated August 7, 1990, drawn by John J. Regan, Registered Land Surveyor; construction drawings and elevations; and photographs were submitted.

The Planning Board, on September 18, 1990, voted to recommend that the variance be denied as the addition represents over-building on an under-sized lot and would be a substantial further encroachment.

A letter in opposition to the petition, dated September 19, 1990, was received from Fred H. Hammond, Jr., 3 Granite Street.

Decision

This Authority has made a careful study of the evidence presented.

Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

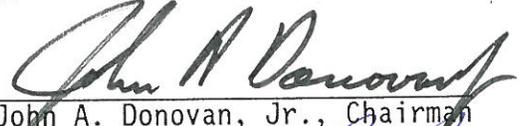
- "1. ...
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, especially affecting such land or structures, but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; and
 - b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

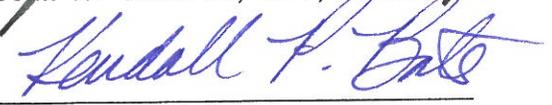
This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw. This Authority is of the further opinion that the granting of a variance which would allow a two and one-half foot encroachment onto a grossly inadequate side yard would substantially derogate from both the intent and purpose of the Zoning Bylaw.

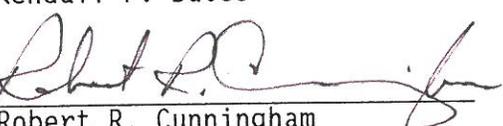
Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

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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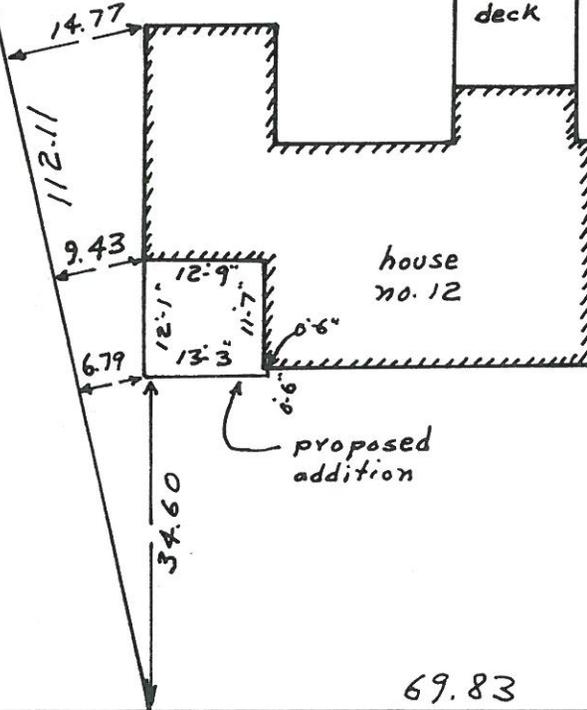
OCT 11 8 43 AM '90

Norma L. DeFelice | Henry P.M. & Judith W. Paap
68.07

Lot B 4
8,198 s.f.

Carl W. & Evy F. Rydberg

Sanner Charlotte K.



Note:
Abutting house
no. 8 Granite Street
has a streetline
setback of 26'.

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SEP 10 2 19 PM '90

Note:
Lot coverage with
proposed addition
will be 1591 ± s.f.
or 19.4%

GRANITE STREET

PLAN OF LAND
IN

WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
GERALD W. & CAROLINE S. LANGE
12 GRANITE STREET
WELLESLEY



John J. Regan

SCALE 1 IN = 20 FT
JOHN J. REGAN
NEWTON HIGHLANDS

AUGUST 7, 1990
LAND SURVEYOR
MASS.