



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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ZBA 90-90
Petition of Douglas and Maryellen Robertson
1 Benvenue Street/Dover Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, December 20, 1990 at 8:15 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, on the petition of DOUGLAS AND MARYELLEN ROBERTSON 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 an attached one-story garage and entry vestibule approximately 27 feet by 19.8 feet to their nonconforming dwelling at 1 BENVENUE STREET/DOVER ROAD, in a Single Residence District, with less than the required rear setback.

On December 4, 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 Douglas Robertson, who said that nothing could be built on the lot without a variance due to the shape of the lot. They wish to use the existing garage to expand their kitchen and create a family room. The encroachment of the proposed garage on the rear line would not affect any neighbors as the Sudbury Aquaduct abuts the rear lot line. The closest neighbor to the rear is 90 feet away. The neighbors across the street, who would be most affected, support the petition.

Maryellen Robertson stated that the additional space is needed because existing kitchen is too small for a table to seat the whole family, which includes three children.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 1 Benvenue Street on the corner of Dover Road, in a Single Residence District, on a 16,803 square foot lot with a minimum rear yard clearance of 16.51 feet. The lot is shaped like an isosceles triangle with frontage of 314.83 feet on Benvenue Street, frontage of 106.96 feet on Dover Road, and a rear lot line of 304.97 feet abutting the Sudbury Aquaduct.

The petitioners are requesting a variance to construct an attached one-story garage and entry vestibule, approximately 27 feet by 19.71 feet, which would have a minimum rear yard clearance of 11.07 feet.

A plot plan, dated October 3, 1990, revised October 24, 1990, revised November 26, 1990, drawn by Robert E. Bissonnette, Registered Land Surveyor; construction drawings and elevations, dated November 27, 1990, drawn by Roger P. Lang, Registered Architect; and photographs were submitted.

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The Planning Board, on December 17, 1990, voted to offer no comment on the petition.

Decision

This Authority has made a careful study of the evidence submitted. 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 although the encroachment of the proposed garage addition is greater than generally allowed, the circumstances in this situation are unique. Due to the shape of the lot and the frontage of the lot on two streets especially affecting this lot, but not generally affecting the zoning district in which it is located, no construction would be possible without the grant of a variance. Furthermore, the encroachment on the rear lot line will not affect a direct abutter as the rear lot line abuts the Sudbury Aquaduct.

It is the opinion of this Authority that because of 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 noted in the foregoing Statement of Facts, said addition coming no closer than 11.07 feet from the rear lot line.

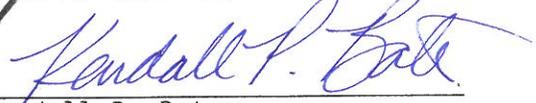
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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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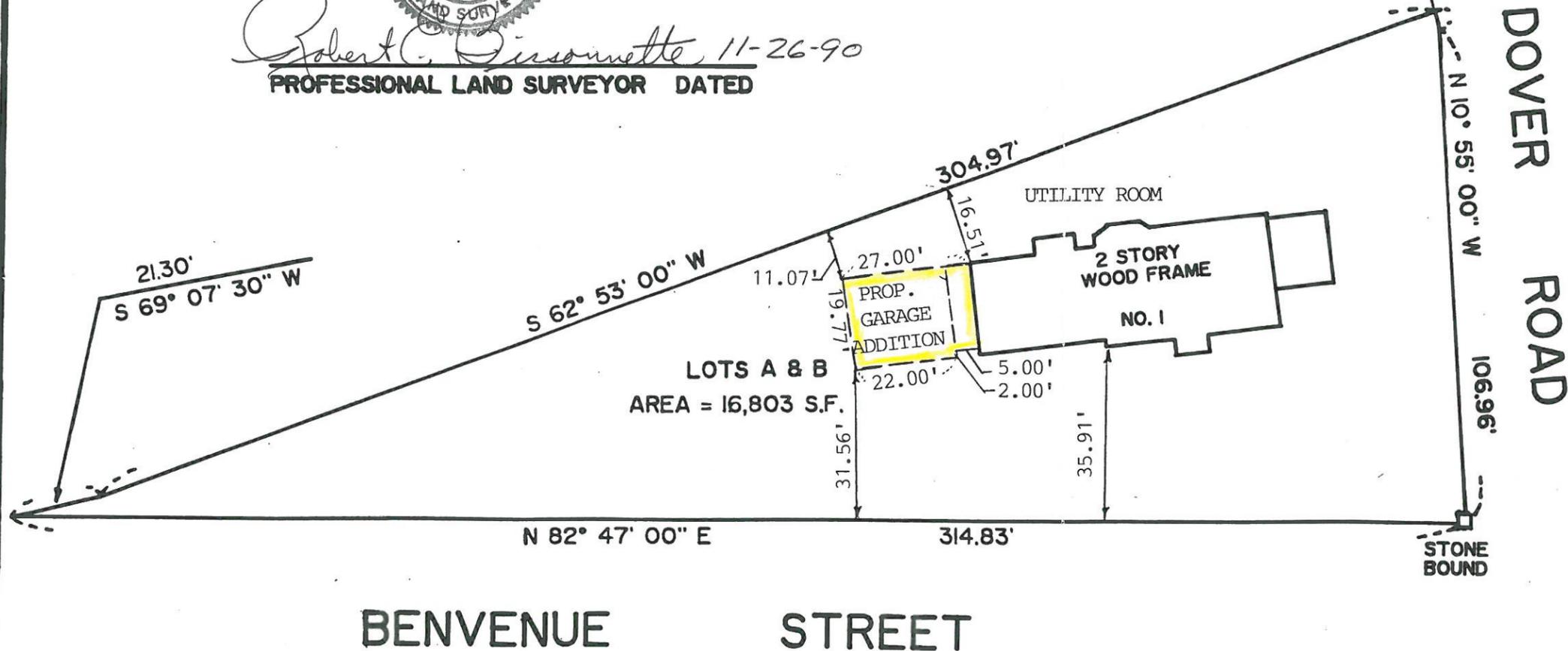
I CERTIFY THAT THE LOCATION OF THE HOUSE SHOWN HEREON, IS THE RESULT OF AN INSTRUMENT SURVEY MADE ON THE GROUND ON SEPTEMBER 26, 1990.

I CERTIFY THAT THE STRUCTURAL LOT COVERAGE OF THE EXISTING DWELLING AND THE PROPOSED ADDITION IS 13 PERCENT OF TOTAL LOT AREA.



Robert E. Bissonnette 11-26-90

Robert E. Bissonnette 11-26-90
PROFESSIONAL LAND SURVEYOR DATED



PLAN OF LAND
IN
WELLESLEY
MASSACHUSETTS
SHOWING PROPOSED BUILDING ADDITION
NO. 1 BENVENUE STREET
SCALE = 1"=30' OCTOBER 3, 1990
REVISED: OCTOBER 24, 1990
NOVEMBER 26, 1990

 **DES LAURIERS & ASSOCIATES, INC.**
161 WASHINGTON STREET
EAST WALPOLE, MASSACHUSETTS 02032
PROFESSIONAL LAND SURVEYORS
461595