



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
Telephone
431-1019

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ZBA 91-13
Petition of John N. Fulham, III
76 Crest Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 28, 1991 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 JOHN N. FULHAM, III requesting two variances from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the following additions to his nonconforming dwelling at 76 CREST ROAD, in a Single Residence District: 1) addition of a wood stair, stone platform and steps to the left front corner of an existing nonconforming deck, which has less than the required front setback and more than the allowed area. Said platform would be approximately 8.2 feet by 6.75 feet with less than the required front setback and in nonconformance as to area allowed and structures permitted in a front yard. 2) an addition approximately 7 feet by 7 feet at the right front corner of the existing nonconforming deck which would have less than the required front setback and increase the existing nonconforming area of said deck.

On February 11, 1991, 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 was John Fulham, who was accompanied by his architect, Tom Huth. Mr. Huth stated that the stairs and landing are requested in order to create a formal front entry to the house. The first floor of the house is one story above street level and the driveway level, with limited access to the front door. Without the platform structure, the flight of stairs from the deck to the street would be extremely steep.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 76 Crest Road, in a Single Residence District, on a 16,966.04 square foot lot, with a minimum front setback of 25.6 feet, a minimum right side yard clearance of 19.2 feet, and a front porch which exceeds the 50 square feet allowed under Section XIX of the Zoning Bylaw.

The petitioner is requesting a variance to construct a wooden stair, stone platform and steps leading from the left front corner of the dwelling to the street. The platform, approximately 6.75 feet by 8.2 feet, would have a minimum front setback of 3.8 feet, and would not be in compliance with the definition of "Front Yard" found in Section XIX A. of the Zoning Bylaw in regard to structure and area allowed.

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The petitioner is also requesting a variance to construct a deck addition, approximately 7 feet by 7 feet, at the right front corner of the existing nonconforming deck. Said addition would have a minimum front setback of 26 feet and would increase the already nonconforming area of the deck by 49 feet.

A Plot Plan dated February 4, 1991, drawn by Nicholas W. Blinow, Registered Land Surveyor; construction drawings and elevations; and photographs were submitted.

The Planning Board, on February 26, 1991, voted to offer no objection to the stairs and landing, and no comment on the deck extension.

Decision

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

It is the opinion of this Authority that the lack of access to the front door of the dwelling does constitute a hardship, and that a platform is a necessary adjunct to the stair construction due to the degree of steepness from the front property line to the first floor deck.

It is the further opinion of this Authority that the deck addition conforms to the present lines of the house and does not alter the relationship of the house to the front lot line.

It is the opinion of this Authority that, because of the shape of the lot, the location of the house on the lot, and the topography of the land, a literal enforcement of the provisions of Section XIX would involve a substantial hardship to the petitioner, and that desirable relief may be granted without substantially derogating from the intent and purpose of the Zoning Bylaw.

Therefore, the two requested variances are granted subject to construction in conformance with the Plot Plan and construction drawings submitted and noted in the foregoing Statement of Facts, said platform coming no closer than 3.8 feet from the front property line and said deck addition coming no closer than 26 feet from the front property line.

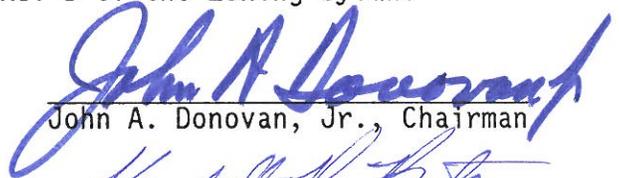
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

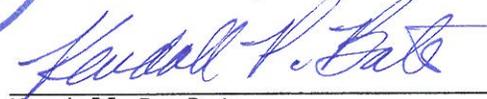
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If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

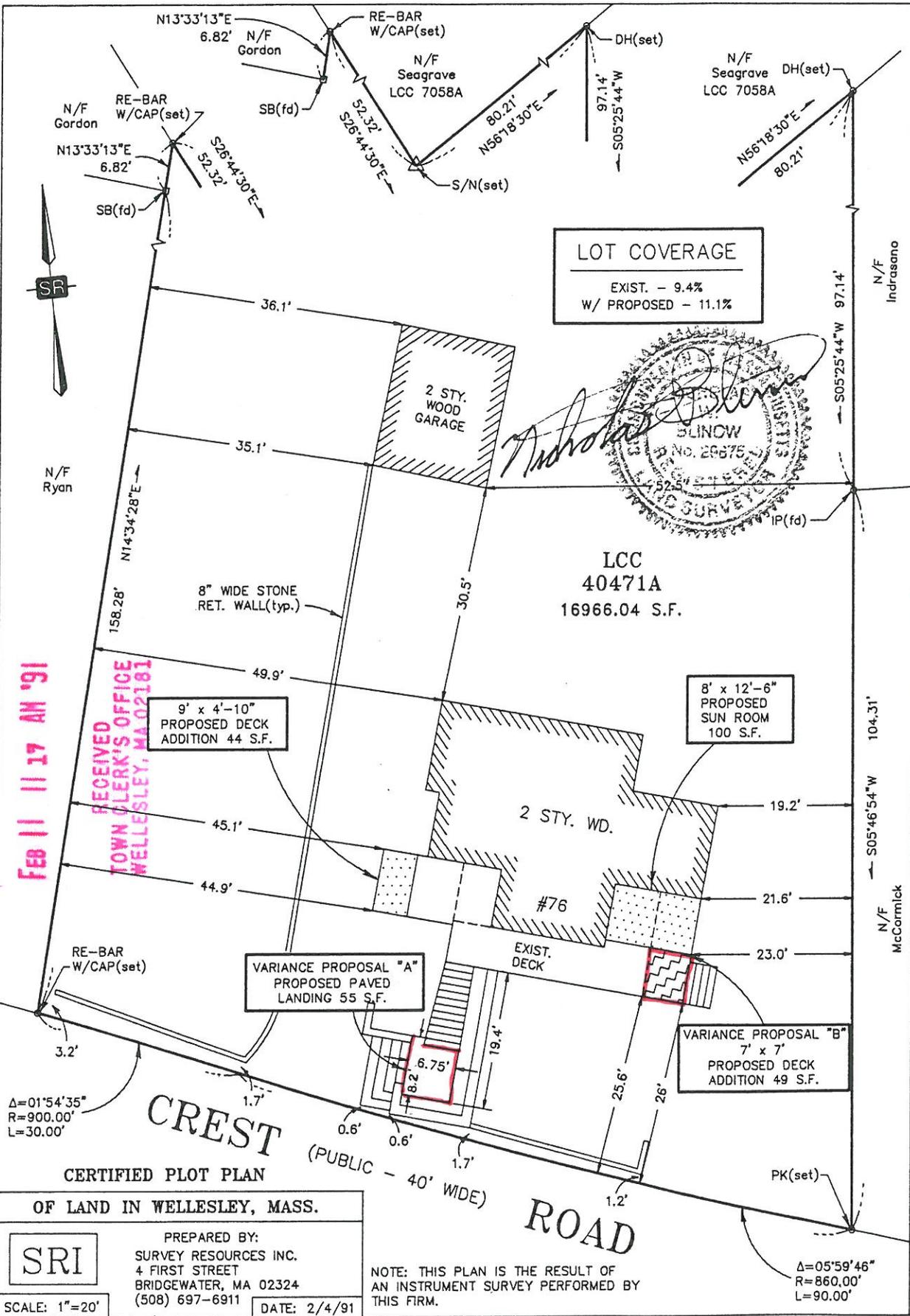

John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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LOT COVERAGE
 EXIST. - 9.4%
 W/ PROPOSED - 11.1%

LCC
 40471A
 16966.04 S.F.

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$\Delta = 01^{\circ}54'35''$
 $R = 900.00'$
 $L = 30.00'$

$\Delta = 05^{\circ}59'46''$
 $R = 860.00'$
 $L = 90.00'$

SRI
 PREPARED BY:
 SURVEY RESOURCES INC.
 4 FIRST STREET
 BRIDGEWATER, MA 02324
 (508) 697-6911
 DATE: 2/4/91

NOTE: THIS PLAN IS THE RESULT OF
 AN INSTRUMENT SURVEY PERFORMED BY
 THIS FIRM.

CREST ROAD
 (PUBLIC - 40' WIDE)