



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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Telephone  
431-1019

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ZBA 91-21  
Petition of Mark and Johanna Albion  
6 Longfellow Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 25, 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 MARK AND JOHANNA ALBION requesting a Finding pursuant to the provisions of Section XVII and Section XXIV-D of the Zoning Bylaw that the structural change to and change in use of the pre-existing nonconforming dwelling located at 6 LONGFELLOW ROAD, in a Single Residence District, was not substantially more detrimental to the neighborhood than was the original pre-existing nonconforming structure. Said structural changes consisted of enclosure of a pre-existing nonconforming porch with less than the required left side yard for use as a den, and the construction of a 5 square foot bay window in said den with less than the required left side yard.

On April 4, 1991, 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 Thomas Cummings, attorney for the Albions, who was accompanied by Johanna Albion. Mr. Cummings said that the house was built in 1940 and included a roofed porch which was not enclosed. In 1986, the Albions, using the existing concrete foundation, enclosed the porch and added the bay window. Since the improvements did not increase the foundation size, they did not think they needed a building permit, and did not obtain one. In connection with the impending sale of the property, the Albions found that a building permit was needed. The Inspector of Buildings required that a Finding be made prior to issuing a building permit as 57 feet of the porch encroach onto the 20 foot left side yard.

Mr. Cummings added that letters in support of the petition had been submitted by most of the neighbors.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 6 Longfellow Road, in a Single Residence District, on a 12,610 square foot lot, with a minimum right side yard of 12.48 feet and a minimum left side yard of 14.8 feet from the left front corner of the bay window and 15.7 feet from the left rear corner of the pre-existing nonconforming porch.

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The dwelling was constructed in 1940 with an unenclosed roofed porch, approximately 10 feet by 14 feet, with a minimum left side yard of 15.7 feet from the left rear corner of said porch. In 1986, the petitioners enclosed the porch and added a 5 square foot bay window on the left side, which had a minimum left side yard of 14.8 feet from the left front corner of the window. This construction was done without a building permit.

The petitioners, due to the pending sale of the property, find it necessary to apply for a building permit, which the Inspector of Buildings will not issue without a Finding by the Board of Appeals that the change in structure and use to the pre-existing nonconforming porch is not substantially more detrimental to the neighborhood than was the unenclosed and windowless pre-existing nonconforming structure.

A Plot Plan dated December 6, 1990, and an enlargement of the porch area, drawn by George A. Worrall, Professional Land Surveyor; construction plans and elevations dated December 19, 1990, drawn by Mayo Larkin, Registered Architect; and photographs were submitted. Letters in support of the petition from Sonia Tuller, 356 Walnut Street; Mary Marks, 10 Longfellow Road; Mary Tolles, 5 Longfellow Road; and Thomas and Geraldine Cummings, 2 Longfellow Road, were also submitted.

The Planning Board, on April 8, 1991, 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 present Zoning Bylaws as noted in the foregoing Statement of Facts.

Although this Authority does not condone construction in the absence of a building permit, it is the finding of this Authority, pursuant to the provisions of Section XVII of the Zoning Bylaw, that in this instance the structural changes to and change of use of the pre-existing nonconforming porch have not proven to be substantially more detrimental to the neighborhood than was the pre-existing nonconforming unenclosed porch.

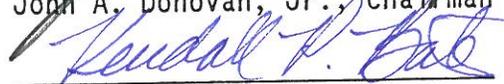
The Inspector of Buildings is hereby authorized to issue a building permit to legalize the enclosure of the pre-existing nonconforming porch and the addition of the 5 square foot bay window in said porch, upon his receipt and approval of a building application and construction plans, if he finds that such plans are necessary.

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

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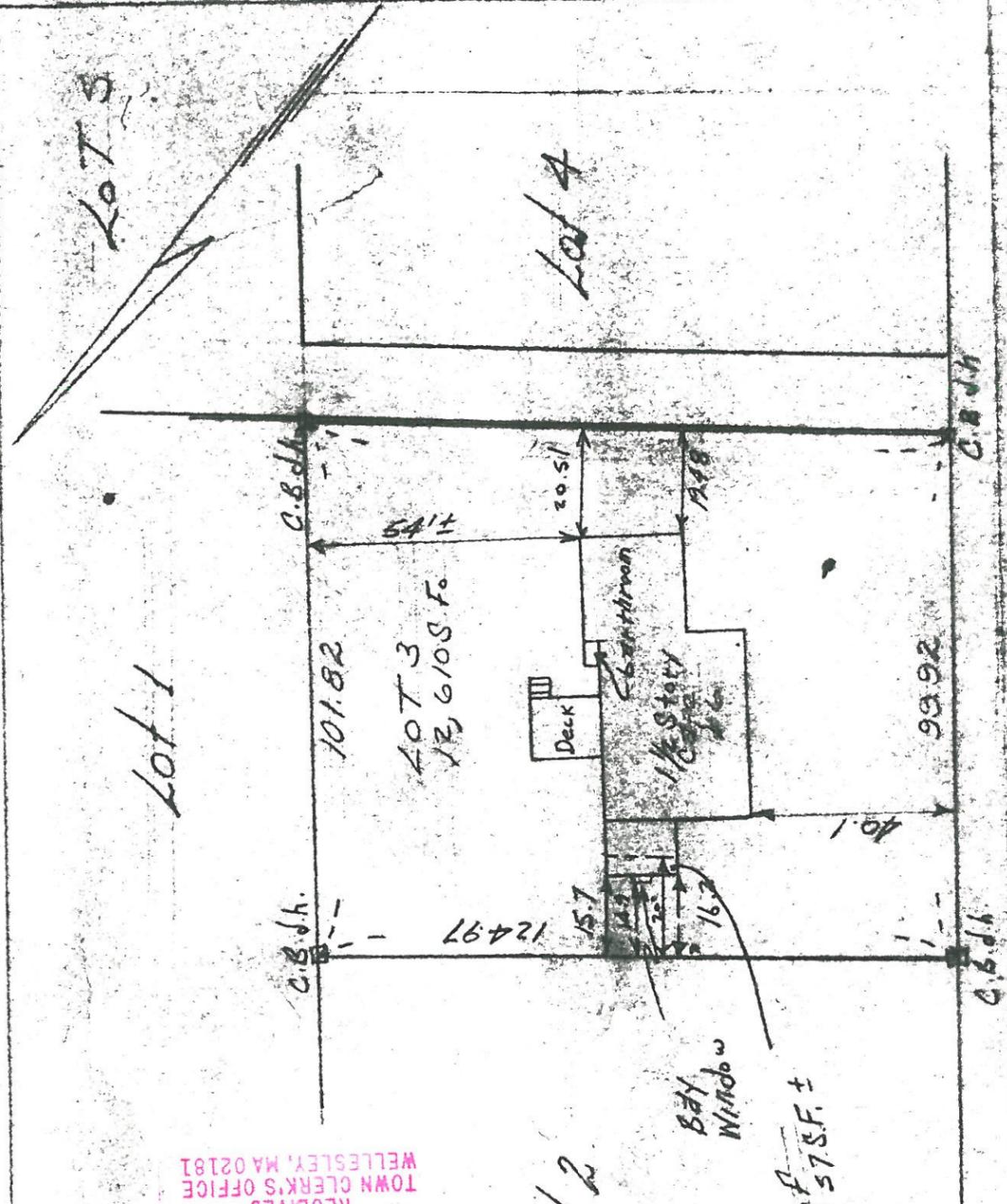
  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
William E. Polletta

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LONGFELLOW (Public - 40' Wide) ROAD.

Plot Plan  
in  
WELLESLEY HILLS  
MASSACHUSETTS

made for  
Mark & Joy Ambion  
Scale: 1/4" = 30' 12/6/90

WILLIAM M. KING & ASSOC.  
SURVEYORS - ENGINEERS  
712 COUNTRY WAY  
SCITUATE, MA 02066  
545-3139

I Certify that the  
Structure on this  
Plot was located on the  
Ground at 10/1/90



George Worrall

Plan Ref.  
See plan by Everett M. Brooks,  
Civil Engr. recorded in book 1935 page 102