



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

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ZBA 91-27
Petition of Marjorie M. Derick
50 Fullerbrook Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 23, 1991 in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of MARJORIE M. DERICK requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the following at her nonconforming dwelling at 50 FULLERBROOK ROAD, in a Single Residence District, with less than the required right side yard and less than the required front setback from WILDON ROAD: 1) addition of a full second story and attic space, approximately 24 feet by 43.4 feet, which will include raising the ridge line of the roof approximately 5.5 feet; 2) enclosure of the nonconforming porch, approximately 7.7 feet by 12.4 feet, with a 2 foot extension to said enclosure, which would have new dimensions of 9.7 feet by 12.4 feet, with less than the required right side yard.

On May 6, 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 were Philip Derick, son of the property owner, and Gwen Goldstein, future owner of the property. Mr. Derick explained that his mother has signed a Purchase and Sales Agreement with Ms. Goldstein, who is requesting the variance. The sale will be finalized on June 14, 1991.

Ms. Goldstein explained that the ridge line of the roof would be raised 5 feet 6 inches to allow use of the entire second floor. The second floor ceiling is presently 6.5 feet. The porch would be extended 2 feet to the rear and then enclosed. The additional space is required so that all three bedrooms for herself and her two children could be located on the second floor, which presently contains two bedrooms and a bath.

Mr. Derick said that the property was a corner lot, and that the only affected abutter would be Dr. Ferguson at 54 Fullerbrook Road, who has no objection. Dr. Ferguson's garage is the closest structure to the Derick right side line. He added that due to the pitch of the roof, the front portion of the second floor was unusable.

No other person present had any comment on the petition.

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Statement of Facts

The nonconforming dwelling is located at 50 Fullerbrook Road, in a Single Residence District on a 13,688 square foot lot with a minimum front setback of 29.7 feet from WILDON ROAD, a minimum right side yard clearance of 8.4 feet from the dwelling and a minimum right side clearance of 16.1 feet from the rear corner of the proposed extension of the existing nonconforming porch.

In 1950, a variance was granted by the Board of Appeals to construct an addition along the right side of dwelling, which was to leave a minimum right side yard of 10 feet. The actual construction resulted in a minimum right side yard of 8.4 feet.

The petitioner is requesting a variance to allow construction of a full second floor with attic space, approximately 24 feet by 43.4 feet, which would include raising the ridge line of the roof approximately 5.5 feet, with a minimum right side yard clearance of 8.4 feet; and enclosure and a 2 foot extension of an existing porch with the proposed dimensions of 9.7 feet by 12.4 feet and a minimum right side yard clearance of 16.1 feet.

A Plot Plan dated April 29, 1991, drawn by Nathan Rossman, Registered Land Surveyor; construction drawings and elevations drawn by Caroline and Lawrence Schwirian, Architects; and photographs were submitted.

The Planning Board reviewed the petition on May 16, 1991, and voted to recommend denial of 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.

It is the opinion of this Authority that the proposed second story addition and enclosure and extension of the existing porch conform to the present lines of the house and do not alter the relationship of the house to the right side lot line.

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 petitioner 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.

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

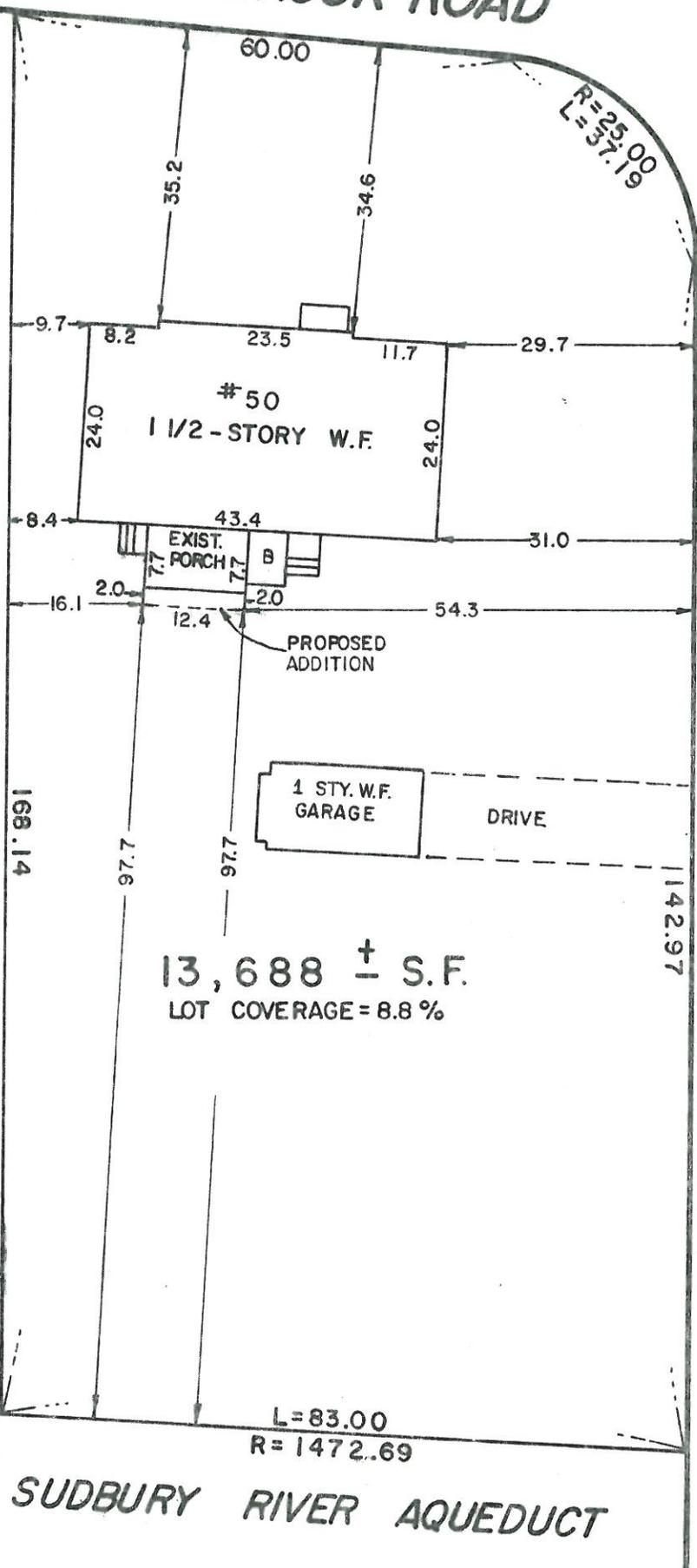

Robert R. Cunningham

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FULLER BROOK ROAD

WILDON ROAD

R=25.00
L=37.19



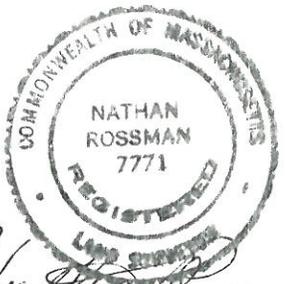
13,688 ± S.F.
LOT COVERAGE = 8.8%

May 6 9 44 AM '91

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PLAN OF LAND
IN
WELLESLEY, MASS.

SCALE: 1"=20' APRIL 29, 1991
MASS BAY SURVEY, INC. NEWTON, MASS.



Nathan Rossman

SADBURY RIVER AQUEDUCT