



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman  
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KENDALL P. BATES

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Aug 9 9 33 AM '91

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

ZBA 91-40  
Petition of Daniel and Elizabeth Berkery  
146 Cliff Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 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 DANIEL AND ELIZABETH BERKERY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow removal of an existing sunroom and construction of a one-story addition approximately 16 feet 10 inches by 43 feet 10 inches at their dwelling at 146 CLIFF ROAD and the corner of ALBION ROAD, in a Single Residence District. As all existing buildings on a frontage of 500 feet, including the affected lot, have front yards of a greater depth than 30 feet, the minimum depth of 55 feet at 20 ALBION ROAD becomes the controlling front setback for the proposed addition which would have a minimum front setback of 45.3 feet from ALBION ROAD.

On July 9, 1991, the petitioners requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Daniel and Elizabeth Berkery. Mrs. Berkery said that the existing sun porch is falling down due to water damage. They would like to remove it and enlarge the width as it is a long, narrow structure. The new porch would be about 8 to 10 feet wider than the existing one. The family is large and additional space is needed.

The Board noted that presently the Berkerys control the front setback for the houses at 10, 16 and 20 Albion Road, as they are the closest to the street with a front setback of 51 feet 3.5 inches. The next closest house is 20 Albion Road which has a front setback of 55 feet.

The Berkerys responded that the next 3 houses face Albion Road, and that it was unlikely that any of the owners of these homes would take advantage of the diminished front setback by construction of additions to the front of their dwellings which would result in architectural disfiguration.

#### Statement of Facts

The subject dwelling is located at 146 Cliff Road on the corner of Albion Road, in a Single Residence District, on a 27,897 square foot lot with a front setback of 51. feet 3.5 inches from Albion Road. This is the controlling front setback from Albion Road for the homes at 10, 16, and 20 Albion Road, as the next closest dwelling is 20 Albion Road with a front yard setback of 55 feet.

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The petitioners are requesting a variance to remove an existing sunporch with an existing front setback of 51 feet 3.5 inches from Albion Road and construct a one-story addition approximately 14 feet 6 inches by 43 feet 10 inches which would reduce the front setback from Albion Road to 45.3 feet. A variance is requested as all existing buildings on a frontage of 500 feet including the affected lot have front yard of a greater depth than 30 feet. Therefore, the minimum depth of 55 feet at 20 Albion Road becomes the required front setback.

A Plot Plan dated June 13, 1991, drawn by U.M. Schiavone, Registered Professional Land Surveyor; construction drawings and elevations dated July 3, 1991, drawn by Jay Winshall; and photographs were submitted.

On July 16, 1991, the Planning Board voted to recommend that the proposed addition be allowed to extend no closer to Albion Road than the existing sun porch, as favorable action on this variance would affect the required setback for other properties as well.

#### Decision

This Authority has made a careful study of the materials presented. The proposed addition to the subject dwelling requires a variance from the terms of Section XIX of the Zoning Bylaw as it would have less than the required 55 foot setback from Albion Road as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that although the proposed construction will result in a decreased controlling setback for the houses at 10, 16 and 20 Albion Road, the possibility of future construction in the front yards of any of these properties is minimal, as all of these dwellings face Albion Road and have architectural integrity that would be diminished by any change in configuration.

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 to remove the existing sun porch and construct the proposed one-story addition subject to construction in accordance with the Plot Plan and construction drawings as submitted and described 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 detailed 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.

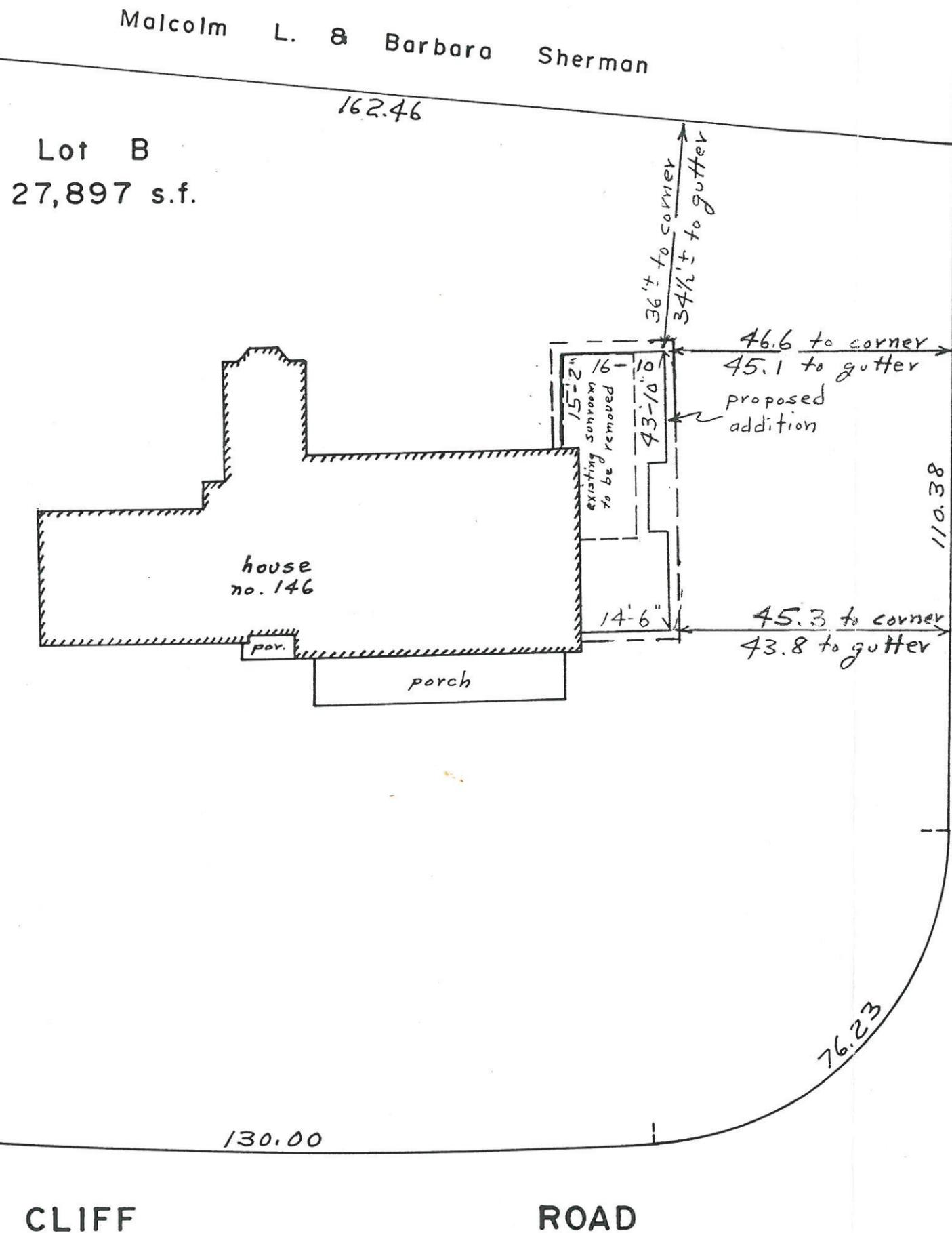
cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Franklin P. Parker

  
William E. Polletta

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Note:  
 House no. 10 Albion Road has a streetline setback of 61'.  
 House no. 16 Albion Road has a streetline setback of 58'.  
 House no. 20 Albion Road has a streetline setback of 55'.

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PLAN OF LAND  
 IN  
 WELLESLEY MASS.  
 TO ACCOMPANY THE PETITION OF  
 DANIEL J. & ELIZABETH M. BERKERY  
 146 CLIFF ROAD  
 WELLESLEY

SCALE 1 IN = 20 FT  
 U. M. SCHIAVONE  
 NEWTON LOWER FALLS

JUNE 13, 1991  
 LAND SURVEYOR  
 MASS.



Note:  
 Building coverage will be 3690<sup>±</sup> s.f. or 13.2%