



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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SUMNER H. BABCOCK

ZBA 92-20
Petition of Douglas and Marilyn Tom
58 Manor Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 19, 1992 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 DOUGLAS AND MARILYN TOM requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow demolition of an existing nonconforming porch and construction of a two-story addition approximately 20 feet 6 inches by 12 feet 6 inches with less than the required left and right side yards at the rear of their nonconforming dwelling with less than the required left and right side yards at 58 MANOR AVENUE, in a Single Residence District.

On March 2, 1992, 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 was Marilyn Tom, who said that the house is very small for their family of four. The addition will include a family room on the first floor. The house has one and one-half baths, with the half-bath on the second floor. The second floor addition will include a master bedroom and enlargement of the half-bath to a full bathroom. The addition has been designed to be compatible with the other homes in the neighborhood. The property is enclosed by a six foot fence, so the addition will not be visible to the abutting neighbors who have no objections.

The Board noted that the existing carport extends onto the abutting right side property. Mrs. Tom said that the carport had been built by prior owners, and had not been a problem in the subsequent sales of the property. The Board suggested that to eliminate possible future problems, the situation be resolved by narrowing the width of the carport and placing the supports within the Toms' property.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 58 Manor Avenue, in a Single Residence District, on a 5,000 square foot lot which has frontage of 50 feet, with a minimum left side clearance of 10.48 from the left rear corner of the dwelling. There is no clearance on the right side of the dwelling due to the presence of a nonconforming carport, which extends onto the property of the right side abutter. The carport appears to have been constructed between 1980 and 1983 by Steven Jordan, a prior owner.

The petitioners are requesting a variance to demolish an existing nonconforming porch and construct a two-story addition approximately 12 feet 6 inches by 20 feet 6 inches at the rear of the dwelling. Said addition would have a minimum left side yard clearance of 10.43 feet and a minimum right side yard clearance of 19 feet.

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A Plot Plan dated February 26, 1992, drawn by John J. Regan, Registered Professional Land Surveyor; construction drawings and elevations dated February 21, 1992, revised February 26, 1992, drawn by JG A Architecture; and photographs were submitted.

On March 10, 1992, the Planning Board reviewed the petition and voted to recommend that no opposition be given to the granting of the variance.

A letter in support of the petition, dated March 9, 1992, was received from Pamela and Gary Hicks, 60 Manor Avenue, the right side abutters.

Decision

This Authority has made a careful study of the evidence submitted and the information presented at the hearing. The subject house does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed two-story addition conforms to the present lines of the house, does not significantly alter the relationship of the house to the left side lot line, and presents far less of an encroachment on the right side lot line than the existing structure.

It is the opinion of this Authority that because of the shape of the lot due to the narrow frontage of 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 conformance with the Plot Plan and construction drawings submitted as 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 detailed construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of said 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.

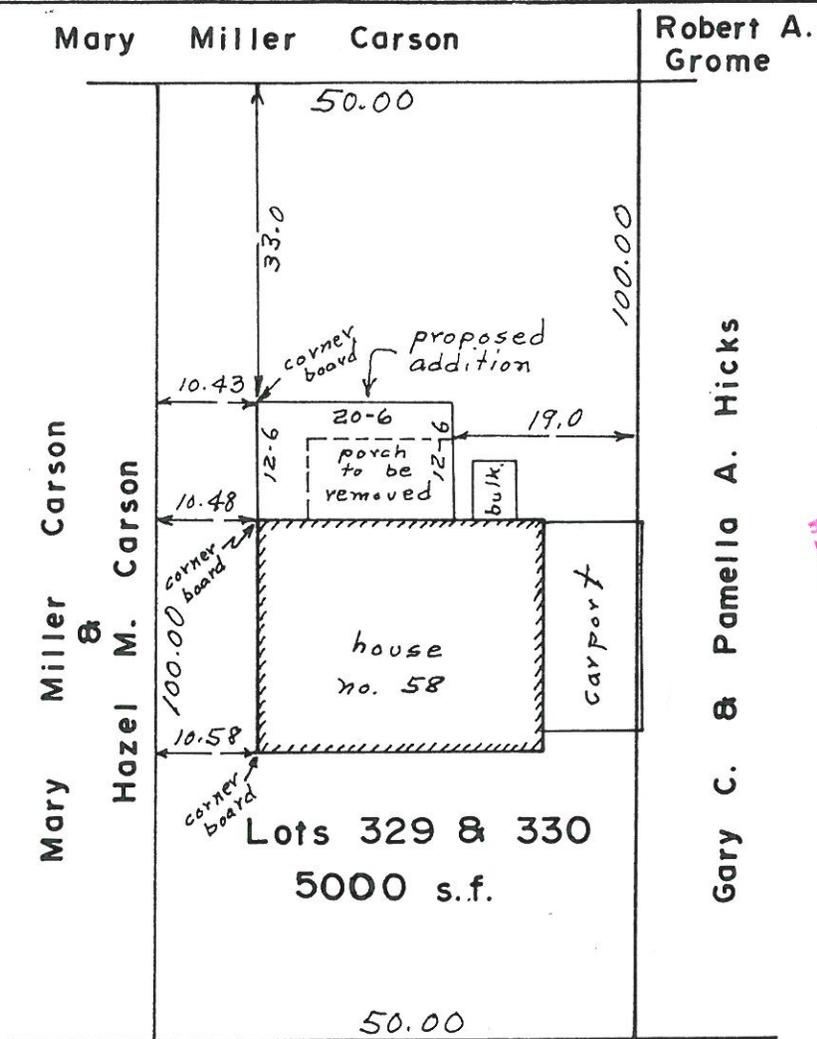
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.


John A. Donovan, Jr., Chairman


Kendall P. Bates


Franklin P. Parker

cc: Planning Board
Inspector of Buildings
edg



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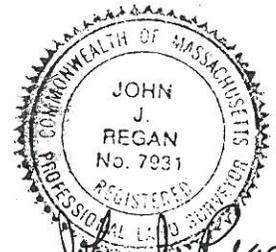
Note:
Lot coverage including house, carport, and proposed addition will be 1195± s.f. or 23.9%

MANOR AVENUE

PLAN OF LAND IN

WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
DOUGLAS W. & MARILYN LEE TOM
58 MANOR AVENUE
WELLESLEY



John J. Regan

SCALE 1 IN = 20 FT
JOHN J. REGAN
NEWTON HIGHLANDS

FEB. 26, 1992
LAND SURVEYOR
MASS.