



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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Executive Secretary
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ZBA 93-41
Petition of Carroll B. Stewart
29 Abbott Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 20, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley on the petition of CARROLL B. STEWART 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 unenclosed front porch, and construction of a new unenclosed front porch approximately 34.6 feet by 8 feet with less than the required front setback from ABBOTT ROAD, to wrap around the right side of the dwelling approximately 10 feet by 8 feet, with less than the required front setback from CAROLINE STREET, at her nonconforming dwelling at 29 ABBOTT ROAD on the corner of CAROLINE STREET, in a Single Residence District.

On May 3, 1993, the petitioner 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 Carroll Stewart, who said that she would like to restore the porch that was originally on the house, and which can be seen on past town plans. The restoration would enhance both her property and the neighborhood. The existing house is very tall and needs the horizontal balance which the porch would provide.

The Board noted that the porch would not be roofed, and that a roof would add to the appearance of the house. Mrs. Stewart replied that although the original porch had been roofed, she had chosen not to add it.

William Mone, 75 Abbott Road, expressed support for the petition.

Statement of Facts

The nonconforming dwelling is located at 29 Abbott Road, in a Single Residence District, on an 8,657 square foot lot with a minimum front yard setback of 20.1 feet from Abbott Road and a minimum front setback of 18 feet from Caroline Street.

The original house was constructed in 1905 and probably included the wrap around porch, as shown on the submitted Town plan. In 1958, a prior owner removed the porch and constructed the existing porch which extends across only a portion of the front of the house.

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The petitioner requests a variance to remove an existing unenclosed front porch with the minimum front yard setbacks described above, and construct an unenclosed porch extending across the front of the dwelling 34.6 feet and along the right side for 10 feet with a depth of 8 feet at all points. The proposed porch will have a minimum front yard clearance of 20 feet from Abbott Road and a minimum front yard clearance of 18.5 feet from Caroline Street.

A plot plan dated April 28, 1993, drawn by Anthony M. Dellorco, Professional Land Surveyor; construction sketches and elevations; and photographs were submitted.

Letters in support of the petition were received from John & Maria Heywood, 23 Abbott Road; Patricia Rabbett, 3 Caroline Street; Janis Bookman, 11 Caroline Street; John Carney, 17 Caroline Street; and Edward and Jody Cale, 14 Caroline Street.

On May 11, 1993, the Planning Board reviewed the petition and voted to offer no opposition to the request.

Decision

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

It is the opinion of this Authority that the additional encroachment of .1 feet on the already nonconforming front yard setback from Abbott Road created by the proposed construction is de minimus and can be allowed.

It is the further 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 to construct the unenclosed wrap around porch subject to construction in accordance with the plot plan and construction sketches submitted.

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 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.

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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

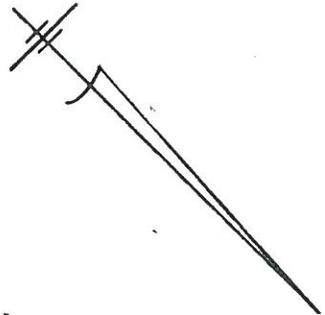
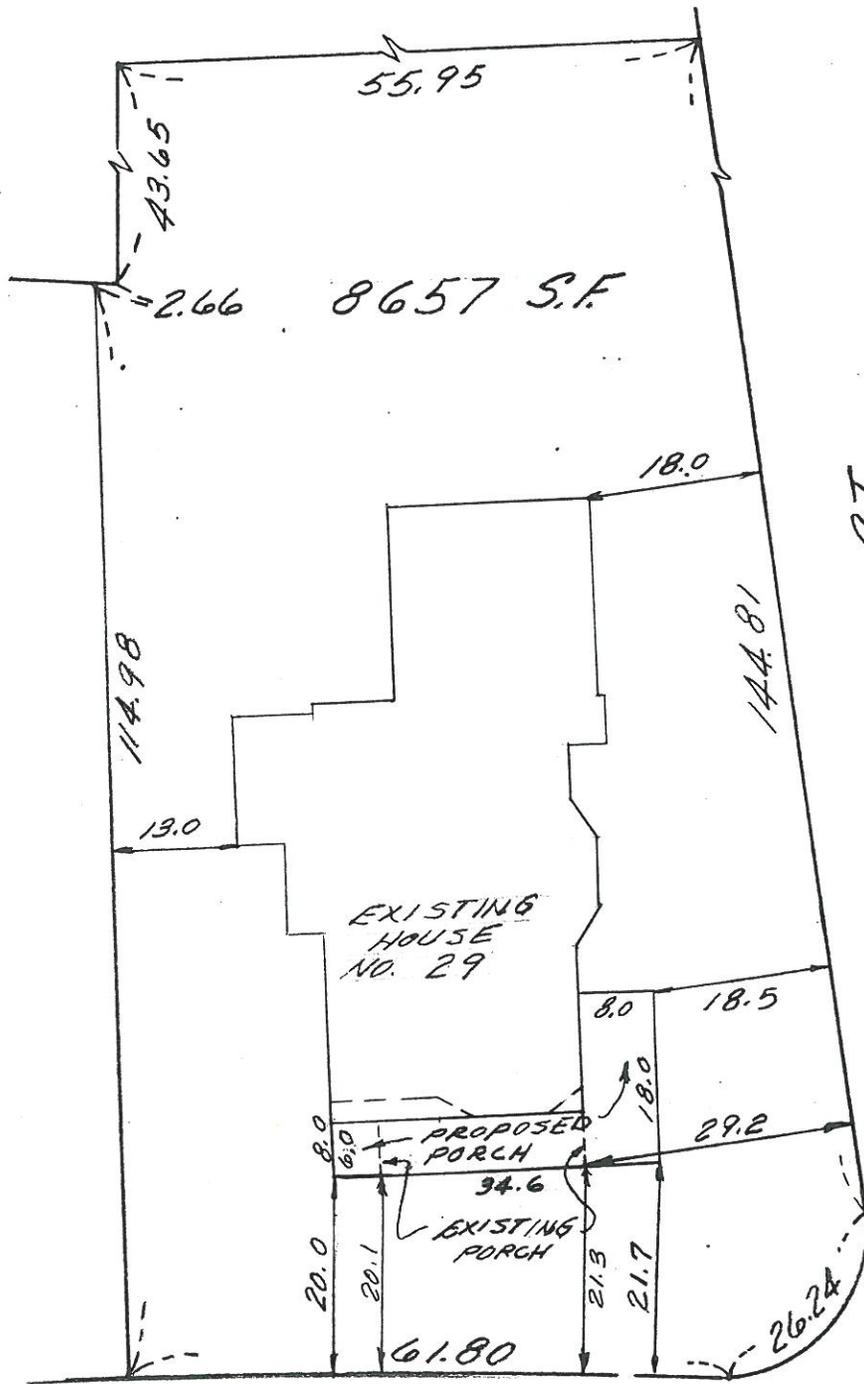

John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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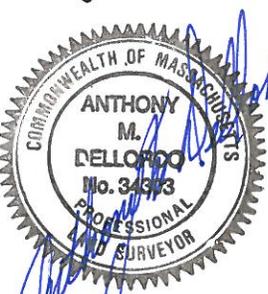
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ABBOTT ROAD

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

APRIL 28, 1993 SCALE 1" = 20'
NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST
NEEDHAM, MASS.