



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

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ZBA 93-55
Petition of Miranda Marvin
72 Dover Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on July 15, 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 MIRANDA MARVIN 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 vestibule and bulkhead, and construction of a one-story addition approximately 13 feet by 12.5 feet at the rear of her nonconforming dwelling at 72 DOVER ROAD, in a Single Residence District. Said addition will have less than the required left side yard setback.

On June 28, 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 Charles Fox, architect for Miranda Marvin, who was also present. Mr. Fox said that the Board had granted Ms. Marvin a variance several year ago for a larger addition, which was never built. She would now like to build a smaller addition. The addition has been sited off the kitchen as it will have a service use, and in order to preserve a large tree, as well as maintaining a distance of 95 feet from Fuller Brook.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 72 Dover Road, in a Single Residence District, on an 8,400 square foot lot, and has a minimum left side yard clearance of 5.8 feet. It is located within the Buffer Zone of the Fuller Brook.

In December, 1987, the petitioner was granted a variance to construct a one-story addition approximately 19 feet by 20.96 feet with a minimum left side yard clearance of 9.59 feet (ZBA 87-96). This addition was never built.

The petitioner is now requesting a variance to construct a one-story addition approximately 13 feet by 12.5 feet with a minimum left side yard clearance of 10.22 feet. The addition will be 95 feet from Fuller Brook in the Buffer Zone.

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A Plot Plan dated June 17, 1993, drawn by George N. Giunta, Registered Land Surveyor; floor plans and elevations dated June 18, 1993, drawn by Charles Fox, Architect; and photographs were submitted.

Letters in support of the petition were received from Harriet B. Creighton, 84 Leighton Road; and Leo J. Dunn, III, 68 Dover Road.

On June 28, 1993, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with a condition for the proposed construction.

On July 13, 1993, the Planning Board reviewed the petition and voted to recommend that the variance be granted.

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 proposed one-story addition conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line. It is the further opinion of this Authority that, because of the location of the house on the lot and its relationship to Fuller Brook, 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 a one-story addition at 72 Dover Road, subject to construction in accordance with the Plot Plan and construction drawings as submitted and subject to the condition specified in the Negative Determination of Applicability issued by the Wetlands Protection Committee.

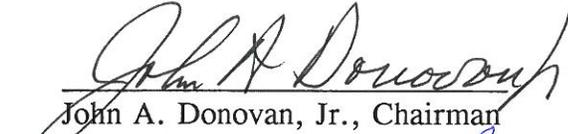
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

If the rights authorized by this 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
Wetlands Protection Committee
Inspector of Buildings
edg

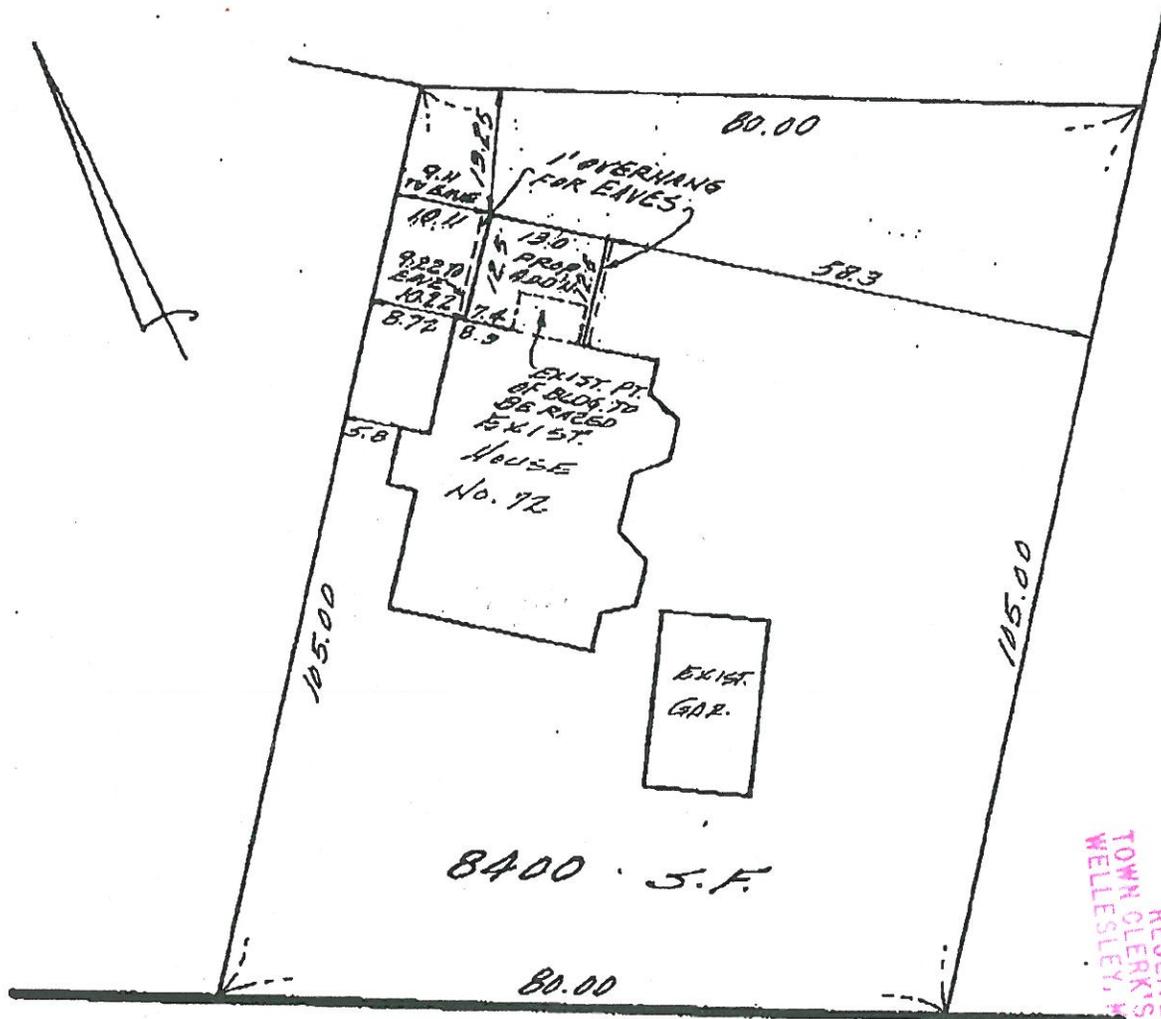

John A. Donovan, Jr., Chairman


Kendall P. Bates


Franklin P. Parker

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DOVER ROAD

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

JUNE 17, 1993 SCALE 1"=20'
NEEDHAM SURVEY ASSOCIATES
76 NEHOIDEN ST.
NEEDHAM, MASS.

