



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-68
Petition of John S. and Linda K. Chapman
12 Fletcher Road

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SEP 26 8 43 AM '93

Pursuant to due notice the Permit Granting Authority held a Public Hearing on Thursday, September 23, 1993 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOHN S. AND LINDA K. CHAPMAN requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of an attached roof canopy approximately 12 feet by 13.33 feet, supported by columns attached to an existing retaining wall on the right side of their dwelling at 12 FLETCHER ROAD, in a Single Residence District. Said canopy will have less than the required right side yard setback.

On September 7, 1993, 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 John and Linda Chapman. Mr. Chapman said that their home is an old carriage house which is built into the side of a hill and does not have a front door. The current entrance into the house is at the back, up a flight of stairs to a landing and into the house. They would like to install a handicap access for family members, and would like an identifiable front entrance. The proposed roof canopy would provide a covered access into the house at grade, and would extend to identify a front entrance. He stated that the proposed construction involves a conforming foyer addition and the roof extension which will be nonconforming.

The Board stated that the decision would contain a condition that the area covered by the roof canopy could never be enclosed for use as a habitable structure or living space.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 12 Fletcher Road, in a Single Residence District, on a 23,259 square foot lot, with a minimum front yard clearance of 20.8 feet and a conforming right side yard of more than 20 feet.

In conjunction with the construction of a conforming foyer addition, the petitioners are requesting a variance to allow construction of an attached roof canopy approximately 12 feet by 13.33 feet with a minimum right side yard clearance of 8.1 feet. Said canopy will be

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supported by columns attached to an existing retaining wall.

A Plot Plan dated August 18, 1993, revised August 26, 1993, drawn by Paul J. Sawtelle, Registered Land Surveyor; floor plans and elevations dated August 5, 1993; and photographs were submitted.

On September 14, 1993, the Planning Board reviewed the petition and voted to recommend approval of 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 current Zoning Bylaw as to the front yard setback, but is conforming in regard to the right side yard setback.

It is the opinion of this Authority that because of the topography 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.

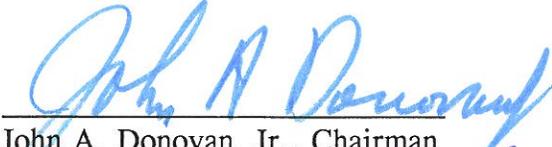
Therefore, the requested variance is granted subject to construction in accordance with the plot plan and construction drawings as submitted, and subject further to the condition that the area covered by the roof canopy shall never be enclosed for any purpose.

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.

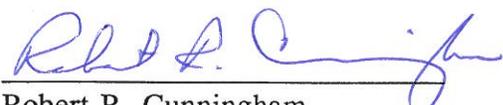
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

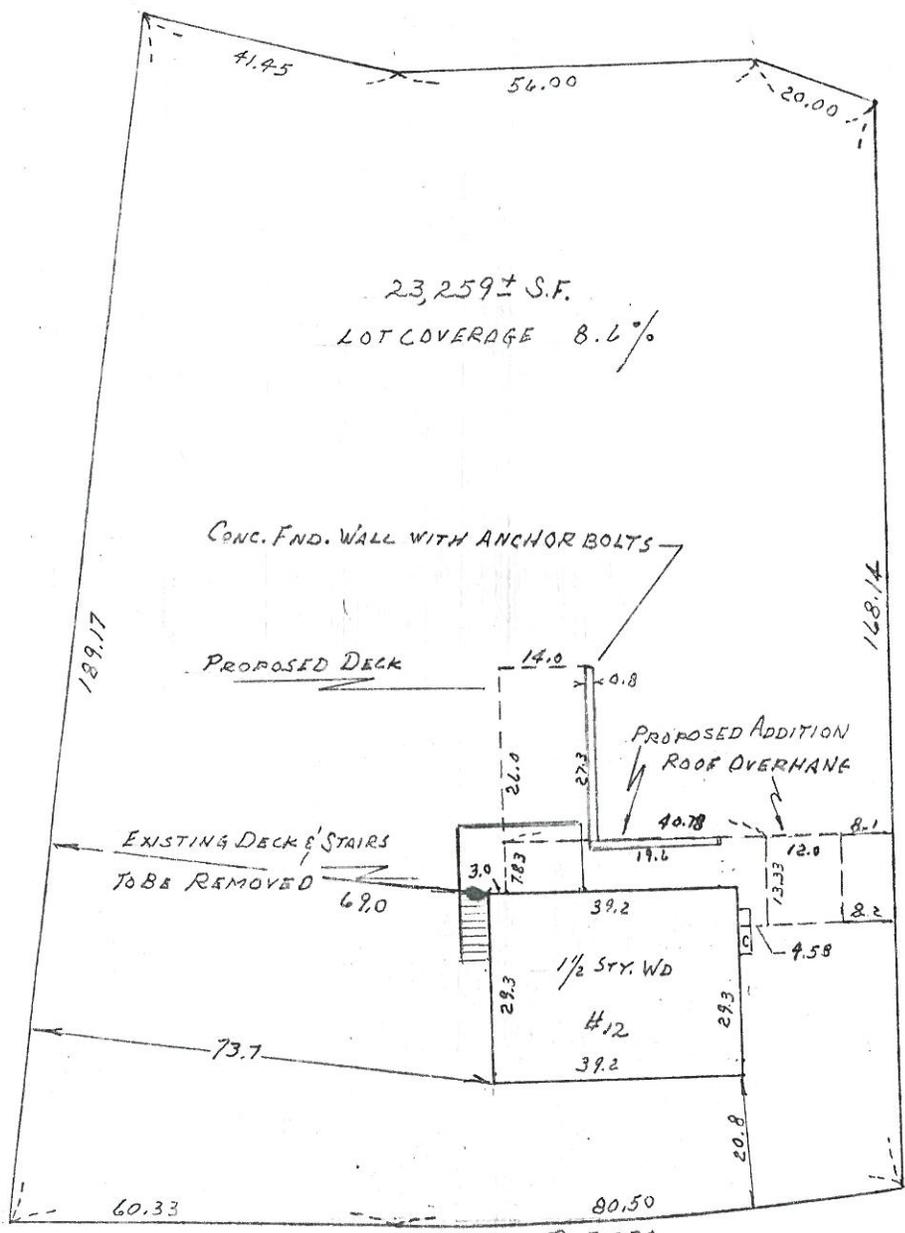
cc: Planning Board
Inspector of Buildings


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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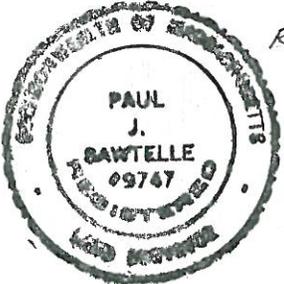
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FLETCHER ROAD

REVISED AUG. 26, 1993

PLAN OF LAND
 IN
 WELLESLEY MASS

SCALE 1"=30' AUGUST, 18, 1993
 MASS BAY SURVEY INC. NEWTON, MASS.



Paul Sawtelle

Paul Sawtelle

R=507.30