



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
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ZBA 93-77

Petition of John F. and Janet S. Adams
3 Lincoln Circle

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 28, 1993 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOHN F. AND JANET S. ADAMS requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to construct a two-story addition approximately 19 feet by 26.65 feet with less than the required front setback from LINCOLN ROAD at their dwelling at 3 LINCOLN CIRCLE AND LINCOLN 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 47.74 feet of the dwelling at 3 LINCOLN CIRCLE shall be the depth required.

On October 4, 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 was Janet Adams, who was accompanied by her husband, John. Mrs. Adams requested approval for a two-story addition, which will extend from the side of their 1938 cape, but will maintain the current roof line in the cape dormer style of the house. The front of the house faces Lincoln Circle, but the side of the house faces Lincoln Road. The addition will bring the house to within 36 feet of the Lincoln Road property line.

Mrs. Adams submitted letters in support of the petition from the Pearsons, Lincoln Circle abutters; the Kastners, directly facing them on Lincoln Circle; and the Schells, abutters on Lincoln Road.

Whitford Bond, 46 Lincoln Road, expressed opposition to the petition. He said his home is directly across Lincoln Road from the Adams. There is a grade difference of 10 to 12 feet from the Adams house to the street. The proposed addition would extend an additional 11 feet, which would set a precedent in the neighborhood as it would be the controlling setback for the homes from Lincoln Circle to Inverness Road on Lincoln Road.

Mr. Bond stated that his house was setback about 40 to 45 feet, but at street grade. The Adams' addition would be about 30 to 35 feet in the air, and would directly affect them. In his opinion, a revised plan could be drawn which would conform to zoning requirements. He submitted photographs and a letter opposing the petition to the Board.

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Mrs. Adams responded that they had explored other solutions with their architect which would not require a variance. However, in order to get the space and light they needed, other iterations involved raising the roof line, which is currently very flat, to another level, and would create an unsightly view for abutters.

Mrs. Adams said that they had also considered a wing addition, but were concerned that the wing would directly impact the Bonds' front yard. The proposed addition on the side faces only the Bonds' driveway and kitchen, whereas any wing addition constructed at the rear of the house, would face the Bonds' front yard, cutting down sunlight and skylight, although it would not require a variance.

Statement of Facts

The subject property is located on a 13,095 square foot lot at 3 Lincoln Circle, on the corner of Lincoln Road, in a Single Residence District. The front setback of the dwelling from Lincoln Road is 47.74 feet, which is the controlling front setback for the dwellings at 15, 19 and 25 Lincoln Road, which currently have front setbacks of 50, 80 and 71.5 feet respectively.

The petitioners are requesting a variance to construct a two-story addition approximately 19 feet by 26.65 feet, with a minimum front yard setback of 36.04 feet from Lincoln Road. 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 47.74 feet of the petitioners' dwelling shall be the depth required.

A Plot Plan dated September 9, 1993, drawn by Jean Nysten, Registered Professional Land Surveyor; Floor plans and Elevations; and photographs were submitted.

On October 13, 1993, the Planning Board reviewed the petition and voted to recommend that the request be approved, as the proposed addition will not be substantially more detrimental to the neighborhood than the existing structure.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject house conforms to the current Zoning Bylaw, but represents the controlling front setback for the three adjacent properties on Lincoln Road, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that although the proposed addition will result in a decreased controlling setback of 11.7 feet for the dwellings at 15, 19 and 25 Lincoln Road, the possibility of future construction in the front yards of any of these dwellings is minimal,

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as all of these dwellings face Lincoln Road and have architectural integrity that would be diminished by any change in their configuration.

The Board has noted that the eastern end of the addition will be opposite the western end of the dwelling at 46 Lincoln Road, which extends in an easterly direction.

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.

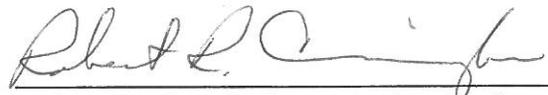
Therefore, the requested variance is granted subject to construction in accordance with the plot plan and constructions sketches as submitted.

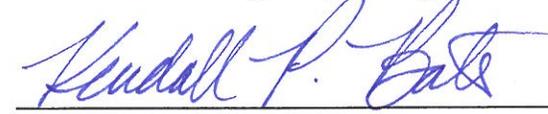
The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and detailed construction plans.

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.

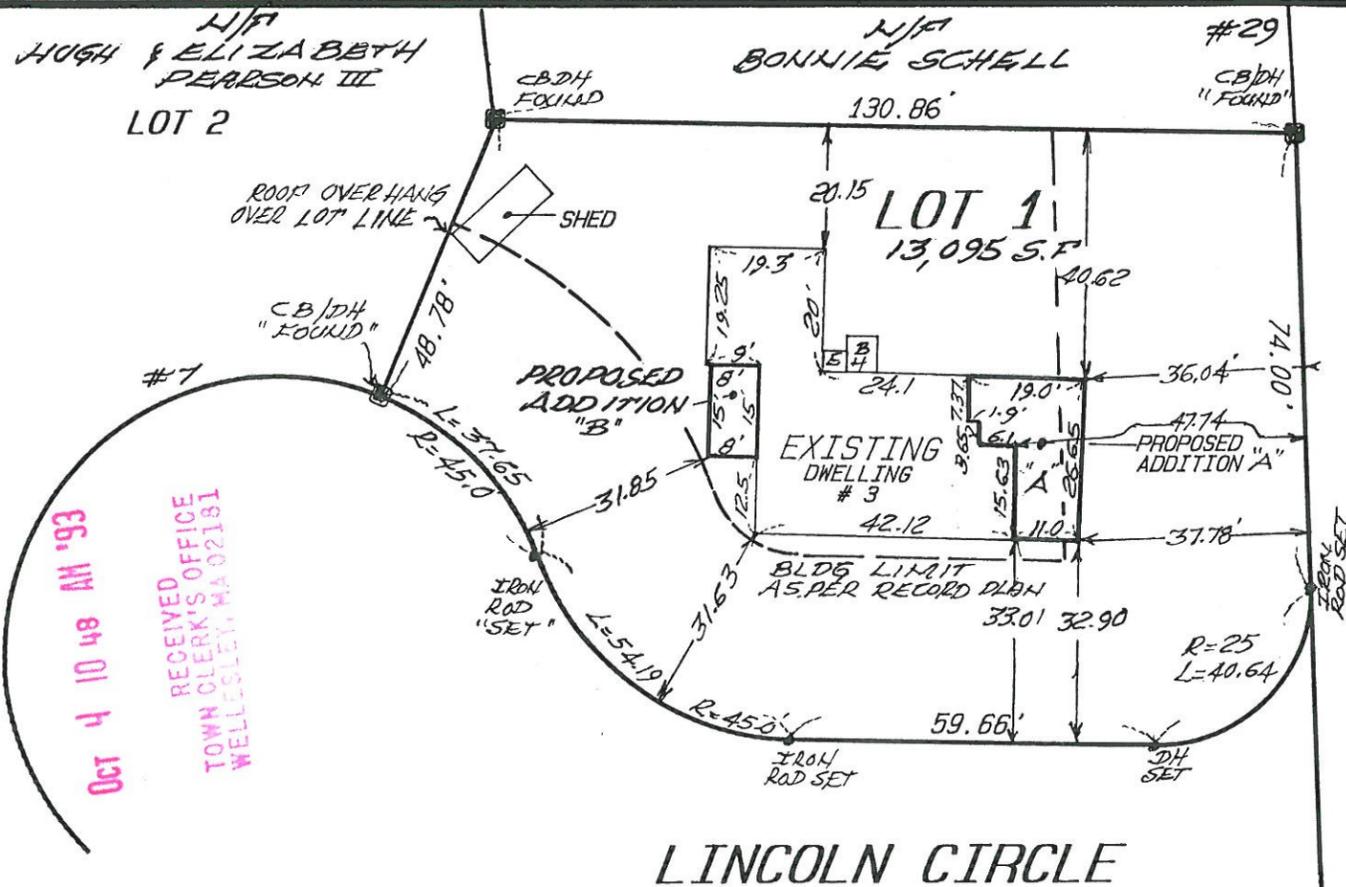
cc: Planning Board
Inspector of Buildings
edg


Robert R. Cunningham, Acting Chairman


Kendall P. Bates


Franklin P. Parker

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EXISTING FRONT YARD SET BACKS

HOUSE # 29 LINCOLN ROAD	= 62 FEET
HOUSE # 25 LINCOLN ROAD	= 71.5 FEET
HOUSE # 16 LINCOLN ROAD	= 80 FEET
GARAGE # 15	= 50 FEET
HOUSE # 8 LINCOLN CIRC	= 43.4 FEET
SET BACK TO LINCOLN RD	= 43.4 FEET
HOUSE # 57 LINCOLN ROAD	= 40 FEET
HOUSE # 61 LINCOLN ROAD	= 40 FEET
HOUSE # 65 LINCOLN ROAD	= 38 FEET
HOUSE # 67 LINCOLN ROAD	= 38 FEET

TOWN OF WELLESLEY ZONING BOARD
OF APPEALS APPROVAL REQUIRED

PLOT PLAN OF LOT 1
 IN
 WELLESLEY, MASS
 SHOWING
 EXISTING DWELLING & PROPOSED ADDITIONS

SCALE: 1"=30' DATE: SEPTEMBER 9, 1993

OWNERS
JOHN F & JANET S ADAMS



AREA TABULATION

EXISTING DWELLING	=1437 SF =	11 %
PROPOSED ADDITION "A"	= 374 SF =	2.8 %
PROPOSED ADDITION "B"	= 120 SF =	0.9 %
EXISTING SHED	= 101 SF =	0.8 %
VACANT LAND AREA	=11063 SF =	84.5 %
LOT AREA	=13095 SF =	100 %

NEA / NYSTEN ENGINEERING ASSOCIATES INC.
 126A PLEASANT VALLEY ST. - SUITE 7 - METHUEN, MA 01844
 TEL. (508) 975-2575