TOWN OF WELLESLEY MASSACHUSETTS

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
SUMNER H. BABCOCK

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WELLESLEY, MASS.

ZBA 95-10
Petition of Michael Carty
48 Hundreds Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 19, 1995 at 8:10 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHAEL CARTY 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 a one-story addition approximately 30 feet by 16 feet with less than the required left side yard setback, at the rear of his nonconforming dwelling with less than the required left side yard setback, at 48 HUNDREDS ROAD, in a Single Residence District.

On January 3, 1995, the petitioner filed a request for 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 Michael Carty, who said that the house has no first floor bathroom, and the kitchen has not been updated for 40 years. The site is long and narrow, and the house is sited less than 20 feet from the left side lot line. Therefore, the only location for an addition is at the rear of the house. The property has a considerable drop-off behind the driveway at the rear of the house, and a stream passes through the lower portion of the property. There is a one-car garage beneath the house at the rear. The addition must be sited so that the car can pass under it to access the garage.

Mr. Carty explained that the addition, with a left side setback of 17.8 feet, will be less nonconforming than the existing house, which is 16.8 feet from the left side line. Screening is provided by a line of mature pine trees along the property line.

The Board noted that the Planning Board had recommended denial, as modifications could be made to the plan to bring it into conformance. Mr. Carty responded that moving the addition to the right would not only result in the creation of architectural and engineering problems, but would result in the southwestern corner of the addition moving closer to the stream. The Wetlands Committee has already approved the submitted plan.

No other person present had any comment on the petition.

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Statement of Facts

The subject nonconforming dwelling is located at 48 Hundreds Road, in a Single Residence District, on a 13,440 square foot lot, and has a minimum right side yard clearance of 14.8 feet and a minimum left side yard clearance of 16.8 feet. The property drops sharply at the at the rear of the driveway. A stream flows across the lower rear portion of the property.

The petitioner is requesting a variance to construct a one-story addition approximately 30 feet by 16 feet, which would have a minimum left side yard setback of 17.8 feet.

A Plot Plan dated November 25, 1994, revised December 28, 1994, drawn by Paul J. DeSimone, Registered Land Surveyor; Floor Plans and Elevations drawn by David Michael Johnson, Registered Architect; and photographs were submitted.

On September 8, 1994, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with Conditions for the construction project.

On January 10, 1995, the Planning Board voted to recommend that the requested variance be denied, as the Board felt that modifications could be made to the plan that would eliminate the need for a variance.

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 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 opinion of this Authority that, because of the shape of the lot, the location of the house on the lot, and the topography of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would provide 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 one-story addition in accordance with the plot plan and construction drawings as submitted, and subject further to all conditions contained in the Notice of Determination issued by the Wetlands Protection Committee.

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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.

Kendall P. Bates, Acting Chairman

Sumner H. Babcock

William E. Polletta

cc: Planning Board
Inspector of Buildings
Wetlands Protection Committee
edg

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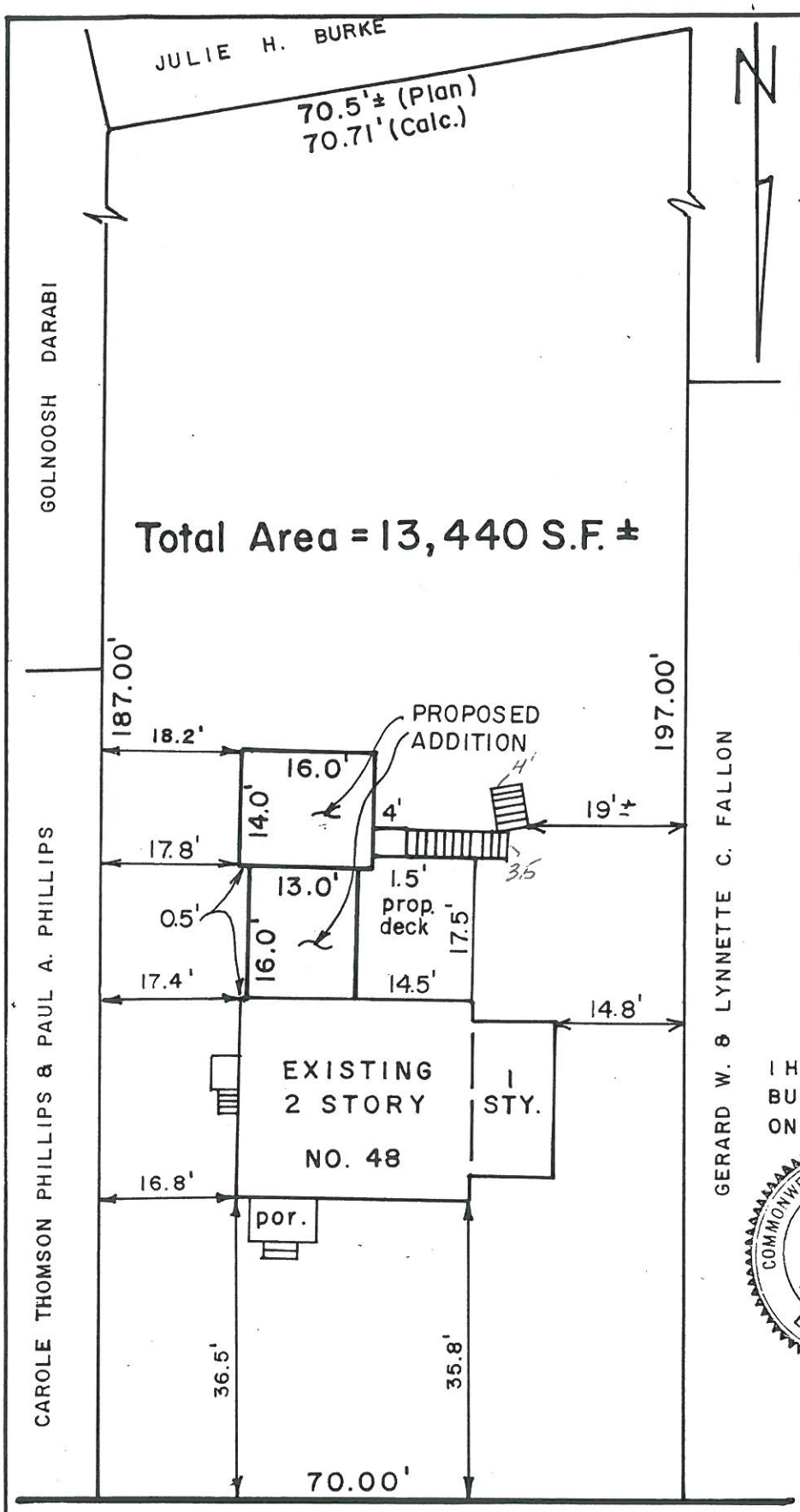
WEST BRIDGEWATER



RATIO OF BUILDING TO LOT AREA

REQUIRED: LESS THAN 25%

EXISTING: 7.04%

PROPOSED: 12.76%

NOTES:

1. BEING LOT SHOWN ON A PLAN BY CAMERON BROTHERS, INC. DATED NOV. 7, 1994 AND RECORDED WITH NORFOLK REGISTRY OF DEEDS IN PLAN BOOK 426, PLAN 805 of 1994
2. THIS PLOT PLAN WAS MADE FROM AN INSTRUMENT SURVEY.
3. THIS PLOT PLAN IS TO ACCOMPANY AN APPLICATION FOR A VARIANCE TO ADD TO THE EXISTING STRUCTURE.

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WELLESLEY, MASS. 02181
'95 11 05 AM

I HEREBY CERTIFY THAT THE EXISTING BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN THEREON.

COMMONWEALTH OF MASSACHUSETTS
PAUL J. DeSIMONE
No. 30466
REGISTERED LAND SURVEYOR

Paul J. DeSimone

CERTIFIED PLOT PLAN
WELLESLEY, MA.

SCALE: 1" = 20'

NOVEMBER 25, 1994
revised: Dec. 28, 1994
OWNER: MICHAEL CARTY

CAMERON BROTHERS INC.
485 PLEASANT ST.— MALDEN, MA.