



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

May 9 8 20 AM '95

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WELLESLEY, MA 02181

ZBA 95-35
Petition of Kenneth C. and Deborah Meyers
43 Cottage Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 27, 1995 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 KENNETH C. AND DEBORAH MEYERS 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 wrap around porch, with a depth of 8 feet, approximately 27.6 feet along the left side, 60.82 feet across the front, connecting to an existing right side porch of 19.60 feet at their nonconforming dwelling, with less than the required right side yard setback, at 43 COTTAGE STREET, in a Single Residence District and an Historic District. Said porch will have less than the required right and front yard setbacks.

On April 10, 1995, 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 Ken Meyers, who said that verbal approval of their project had just been granted by the Historic District Commission at a meeting, prior to the hearing. Using a diagram previously submitted to the Board, Mr. Meyers pointed out the portion of the porch which would be nonconforming. He requested to continue the design line of the side of the house on the right side, which is currently nonconforming by about 16 inches. He added that they were converting the existing two-family house to a single family dwelling.

Mr. Meyers presented the original plot plan to the Board which showed the front setbacks of the abutting properties at 32.5 feet and 25.7 feet.

The Board stated that the decision would include conditions that written approval of the project from the Historic District Commission be submitted to the Board, and that the proposed porch shall never be enclosed. Mr. Meyers explained that they planned to enclose the existing porch on the left side of the house. The Board said that was acceptable, but that the proposed porch could never be enclosed.

No other person present had any comment on the petition.

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Statement of Facts

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The subject nonconforming two-family dwelling is located at 43-45 Cottage Street, in a Single Residence District and an Historic District, on a 14,727 square foot lot, and has a minimum right side yard clearance of 18.86 feet.

The petitioners are requesting a variance to construct a wrap around porch with a depth of 8 feet, a length of 27.6 feet along the left side, 60.82 feet across the front, connecting to an existing right side porch with a length of 19.6 feet. The right front corner of the proposed porch would have a minimum right side yard clearance of 18.33 feet and a minimum front yard clearance of 29.89 feet.

A Plot Plan dated April 3, 1995, drawn by Bruce Bradford, Professional Land Surveyor; proposed elevations dated February 1, 1995, revised March 16, 1995, drawn by Striebert Associates; existing elevations and floor plan dated 4/4/95, drawn by Ken Meyers; and photographs were submitted. A letter in support of the petition, signed by Inger R. Nielson, 41 Cottage Street, was also submitted.

On March 21, 1995, the Historic District Commission voted to approve in concept the addition of a covered porch structure at the front of the dwelling. Specific architectural details were incomplete. On April 27, 1995, the Historic District Commission voted to approve the project. A Certificate of Appropriateness has not yet been issued.

On April 24, 1995, the Planning Board reviewed the petition and voted to offer no objection 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 current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the additional encroachment of .53 foot on the right side yard and .11 foot into the front yard setback are 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 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 to construct the proposed wrap around porch at a depth of 8 feet and a length of 27.6 feet on the left side, 60.82 across the front, connecting

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to an existing porch with a length of 19.6 feet subject to construction in accordance with the submitted plot plan and construction sketches, and subject to the following conditions:

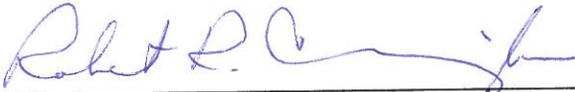
1. No building permit shall be issued until a Certificate of Appropriateness has been with the Town Clerk by the Historic District Commission, and the twenty day appeal period has expired. A copy of the Certificate shall be filed in the office of the Board of Appeals.
2. The wrap around porch, once constructed, shall never be enclosed.

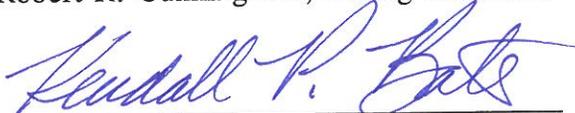
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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
Historic District Commission
Inspector of Buildings
edg


Robert R. Cunningham, Acting Chairman


Kendall P. Bates

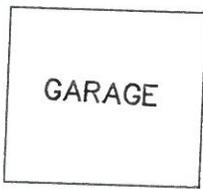
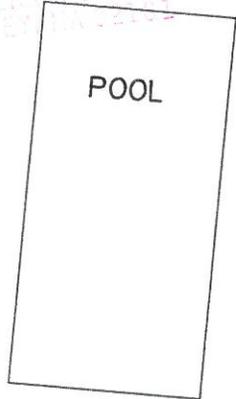

William E. Polletta

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WELLESLEY, MASS.

122.05'



PLAN OF LAND IN WELLESLEY, MASS.

SHOWING PROPOSED ADDITIONS

SCALE 1 IN. = 20 FT APRIL 3, 1995

PREPARED BY:
EVERETT M. BROOKS COMPANY
49 LEXINGTON STREET
WEST NEWTON MA 02165
(617) 527-8750

PROJECT NO. 18126



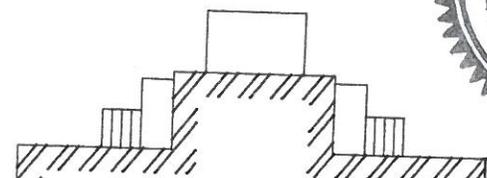
182.55' DEED

14,727 S.F. ±



109.32'

162.87'



43-45 COTTAGE STREET
EXISTING HOUSE

36.68'

20.22'

32.00'

31.86'

35.72'

8.00'

8.00'

16.00'

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EXISTING PORCH
TO BE ENCLOSED

EXISTING PORCH

PROPOSED PORCH

36.45'

42.05'

38.50'

29.89'

30.00'

109.05'

COTTAGE STREET