



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-40
Petition of Allan L. and Jane L. Port
12 Homestead Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 25, 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 ALLAN L. AND JANE L. PORT requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXV-D of the Zoning Bylaw to allow construction of the following additions to their nonconforming dwelling with less than the required front setback from APPLEBY ROAD, at 12 HOMESTEAD ROAD, in a Single Residence District:

1. A one-story addition approximately 12 feet by 16 feet which will have less than the required front setback from APPLEBY ROAD.
2. A roofed open porch approximately 4 feet by 4 feet which will also have less than the required front setback from APPLEBY ROAD.

On May 8, 1995, the petitioners 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 were Allan and Jane Port, who said that the proposed additions would be set further back from Appleby Road than the existing dwelling.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 12 Homestead Road at the corner of Appleby Road, on a 7,070 square foot lot, in a Single Residence District, with a minimum front setback of 19.85 feet from Appleby Road.

The petitioners are requesting a variance to construct a one-story addition approximately 12 feet by 16 feet, which would have a minimum front clearance of 24.93 feet from Appleby Road; and a roofed entrance porch approximately 4 feet by 4 feet, which would have a minimum front yard clearance of 20.95 feet from Appleby Road.

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A Plot Plan dated April 25, 1995, drawn by John J. Regan, Registered Professional Land Surveyor; Floor Plans and Elevations dated 5/1/95, drawn by Jane L. Port; and photographs were submitted.

On May 16, 1995, the Planning Board reviewed the petition and voted to offer no objection, as there is no further encroachment on the street setback.

Decision

This Authority has made a careful study of the materials submitted. 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 and roofed porch conform to the present lines of the house and do not alter the relationship of the house to the Appleby Road front lot line.

It is the opinion of this Authority that due to the presence of two frontages and the location of the house on the lot, a literal enforcement of the provisions of Section XIX 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.

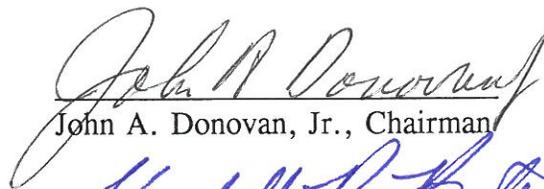
Therefore, the requested variance is granted to construct the one-story addition and the roofed porch subject to construction in accordance with the submitted Plot Plan and construction drawings.

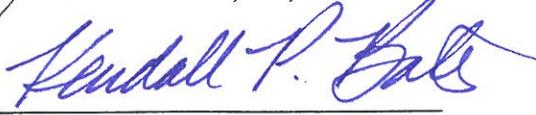
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

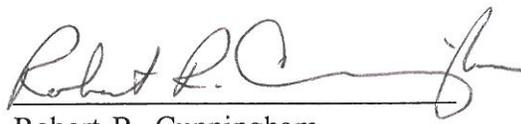
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

