



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

Jul 7 8 01 AM '95  
TOWN RECEIVED  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK  
WELLESLEY, MA 02181

ZBA 95-46  
Petition of Martin F. and Barbara Hansberry  
81 River Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 22, 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 MARTIN F. AND BARBARA HANSBERRY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the following additions to their nonconforming dwelling with less than the required right side yard setback at 81 RIVER STREET, in a Single Residence District:

1. A two-story addition approximately 32.6 feet by 24 feet which will have less than the required right side yard setback.
2. A first floor deck approximately 24.6 feet by 10 feet which will have less than the required right side yard setback.
3. A second story balcony approximately 8 feet by 4 feet which will have less than the required right side yard setback.

On June 5, 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 was Martin Hansberry, who said that he would like to extend his home to the rear. The house was built in 1871, prior to any zoning. Due to the contours of the property, the only other possible location would be to the left of the house, which would eliminate the driveway. Even that location would be unbuildable without constructing a 20 foot high retaining wall. The encroachment would be on the right side, which is a steep grade descending to a parking lot owned by Spaulding and Slye. The property on the left side also has a severe grade.

Using a multitude of photographs, Mr. Hansberry showed the Board the topographical problems which exist on all four sides of the property. The only level portion of the property is directly behind the house, where the proposed addition would be located.

The Board suggested that the addition be set back 4 feet to parallel the right side lot line. Mr. Hansberry said that the reconfiguration would create an awkward living situation, and would encroach into the driveway. He explained that the right side abutter is a three-story office building with a parking lot on Walnut Street.

ZBA 95-46  
Petition of Martin F. and Barbara Hansberry  
81 River Street

The Board stated that it had never allowed such an encroachment, and were reluctant to set this type of precedent. However, the Board determined that the topographical constraints, which are severe and unique to the lot, present a definite hardship, restricting the location of the addition to the proposed site. Furthermore, the right side abutter was not a residential dwelling, but an office building with a parking lot that would not be negatively impacted by the proposed addition. The Board noted that the granting of a variance for this petition was not to be used as a precedent or reference for other petitions requesting similar encroachments.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling, with a minimum right side yard clearance of 10 feet, is located at 81 River Street on a 21,140 square foot lot, in a Single Residence District. The property abutting the right side is owned by Spaulding and Slye and contains a three story office building and a large parking lot. The front of the dwelling is set high above River Street; the right and left sides of the property are steeply sloped; and the rear of the property rises sharply approximately 50 feet from the back of the dwelling.

The petitioners are requesting a variance to construct a two-story addition approximately 24 feet by 32.6 feet which would have a minimum right side yard clearance of 6 feet from the right rear corner; a first floor deck approximately 10 feet by 24.6 feet, which would have a minimum right side yard clearance of 13 feet from the right rear corner; and a second story balcony approximately 4 feet by 8 feet, which would have a minimum right side yard clearance of 16 feet from the right rear corner.

A Plot Plan dated May 8, 1995, drawn by Joseph R. Sullivan, Registered Professional Surveyor; Floor Plans and Elevations drawn by Chris O'Brien; and photographs were submitted.

On June 20, 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.

RECEIVED  
TOWN CLERK'S OFFICE  
WILLESTON, MA 02181  
JUL 7 8 01 AM '95

ZBA 95-46  
Petition of Martin F. and Barbara Hansberry  
81 River Street

It is the opinion of this Authority that because of the severe topographical restraints on this lot that 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.

It is the further opinion of this Authority that this is a unique situation, especially affecting this particular lot, and that the grant of this variance to allow a further encroachment of 4 feet on a minimum side yard should not be taken as a precedent to allow similar encroachments under less severe conditions.

Therefore, the requested variance is granted to construct the two-story addition, the first floor deck and the second floor balcony in accordance with the submitted plot plan and construction sketches.

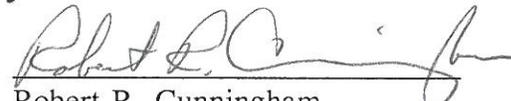
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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.

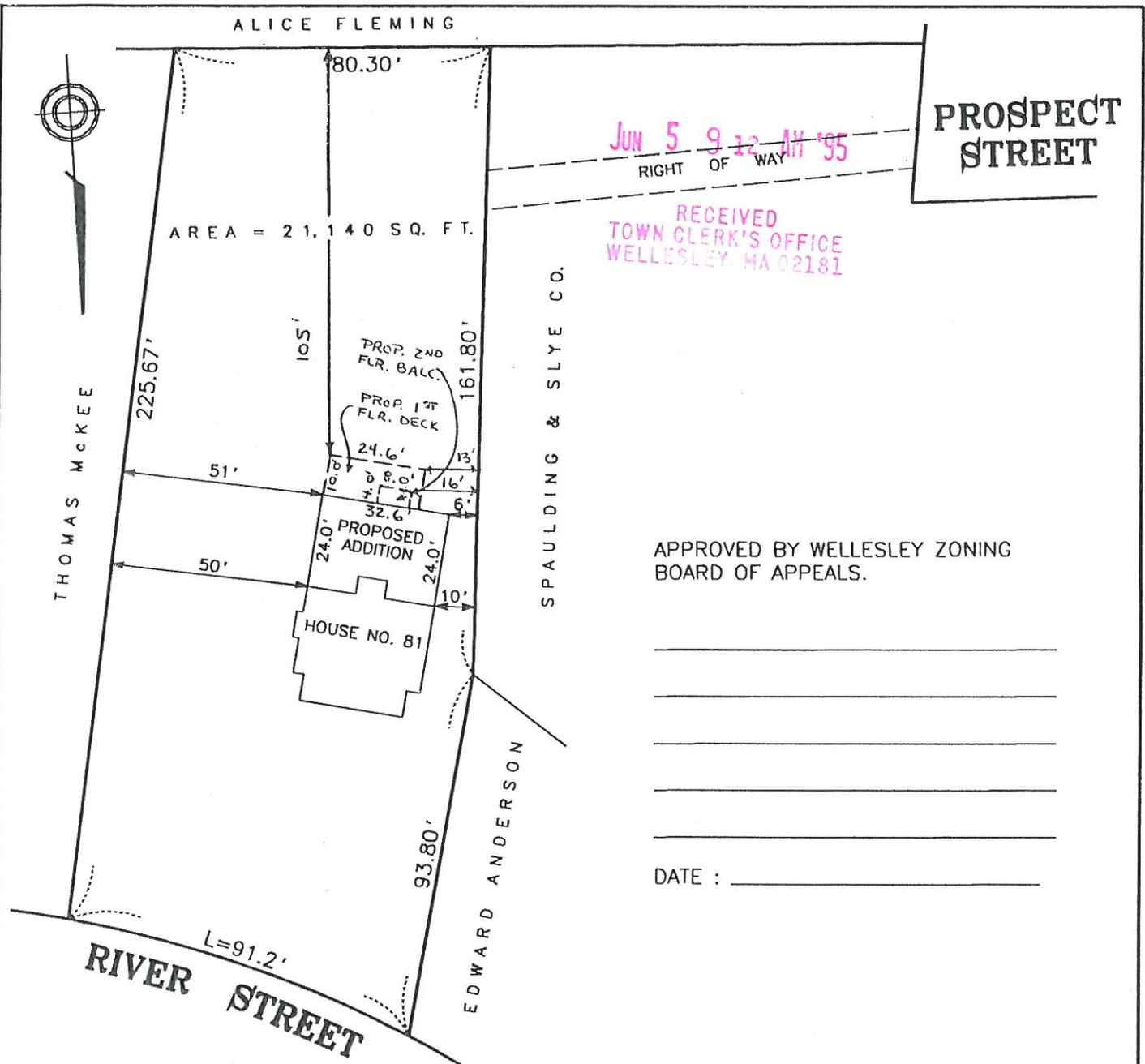
cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Robert R. Cunningham

  
William E. Polletta

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181  
JUL 7 8 01 AM '95



APPROVED BY WELLESLEY ZONING BOARD OF APPEALS.

---



---



---



---



---

DATE : \_\_\_\_\_

# BOARD OF APPEALS PLAN OF LAND IN

## WELLESLEY, MASS.

NOTE : THIS PLAN IS NOT TO BE RECORDED OR USED TO ESTABLISH PROPERTY LINES.

APPLICANT : MARTIN HANSBERRY  
 SCALE : 1" = 40'  
 DATE : MAY 8, 1995

NOTE : THIS DOCUMENT HAS BEEN PREPARED BY MacCARTHY & SULLIVAN ENGINEERING, INC. WHICH HOLDS A COPYRIGHT THEREIN. COPYING OF ANY SUBSTANTIAL PORTION OF A COPYRIGHTED WORK, WITHOUT THE PERMISSION OF THE COPYRIGHT OWNER, IS UNLAWFUL.

JOSEPH R. SULLIVAN  
 No. 18846  
 REGISTERED PROFESSIONAL SURVEYOR

JOSEPH R. SULLIVAN  
 REG. PROF. SURVEYOR

**MacCARTHY & SULLIVAN ENGINEERING, INC.**

41 BEACON STREET FRAMINGHAM, MASS.  
 508-626-8101 01701