



MAY 1 8 27 AM '96

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATESELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208RECEIVED
TOWN OF WELLESLEY OFFICE
MAY 1 8 27 AM '96
WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 96-23

Petition of William G. Morris
17 Fenmere Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 18, 1996 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 WILLIAM G. MORRIS requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to demolish his existing nonconforming one-story dwelling and construct a two-story dwelling approximately 46 feet by 18.67 feet, which will have less than the required front, left and right side yard setbacks, at 17 FENMERE AVENUE, in a Single Residence District.

On April 1, 1996, 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 William Morris, who said that originally he had wanted to add a second floor to his existing house, but found out that the foundation is not adequate to support such an addition. The house was built in the 1930s as a bungalow/cabin. The ceiling height is low, and the existing space is not sufficient for his needs.

Mr. Morris said that as he cannot add a second story to the existing house, he would like to demolish it and begin again. The new house will not be any more nonconforming than the existing one. The neighbors have no objections to his petition.

The Board stated that the house would have to be demolished before the issuance of any building permit, and that the decision would contain this condition.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 17 Fenmere Avenue, in a Single Residence District, on a 5,000 square foot lot. The existing one-story dwelling has a minimum front clearance of 21.90 feet, a minimum left side yard clearance of 19.30 feet and a minimum right side yard clearance of 11.60 feet.

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The petitioner is requesting a variance to demolish the existing house and construct a two-story dwelling approximately 46 feet by 18.67 feet, which will have a minimum front clearance of 21.90 feet, a minimum left side yard clearance of 19.73 feet and a minimum right side yard clearance of 11.60 feet.

A Plot Plan showing the existing house, a plot plan showing the proposed house and a plot plan showing the overlay of the proposed house on the existing house, all dated 3/15/96, drawn by Stephen P. DesRoche, Registered Professional Land Surveyor; Floor Plans and Elevations dated 3/22/96, drawn by P. Regan; and photographs were submitted.

The Planning Staff believes the request is reasonable and would not derogate from the intent and purpose of the Zoning Bylaw.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The existing dwelling does not conform to the current Zoning Bylaw, nor will the proposed dwelling be in conformance.

It is the opinion of this Authority that as the width of the lot is 50 feet, it would be impossible to construct a livable dwelling which would conform to the Zoning Bylaw. Furthermore, this Authority is of the opinion that the existing dwelling is in a state of deterioration and does not conform to the Building Code, so that expansion or remodelling of the premises is not a viable option.

This Authority is of the opinion that because of the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve 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, this Authority, by a unanimous vote taken at the Public Hearing, grants the requested variance to construct the two-story dwelling in accordance with the submitted overlay plot plan and construction drawings, on the condition that no building permit shall be issued for new construction until a demolition permit is issued and the existing house is totally demolished.

The Inspector of Buildings is hereby authorized to issue a permit for the demolition, and following total removal of the dwelling from the premises, a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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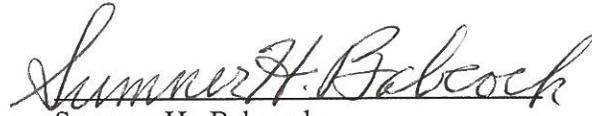
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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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
Kendall P. Bates, Acting Chairman



Sumner H. Babcock
Sumner H. Babcock



William E. Polletta
William E. Polletta

cc: Planning Board
Inspector of Buildings
edg

DOROTHY HOLMES

APR 1 11 05 AM '96
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WELLESLEY MA 02181

ROBERT GROME

50.00'

AREA =
5,000 S.F.±



JEFFREY & DOREEN PETERSON

100.00'

19.60'

P B

11.60'

EXISTING
1 STY.
No.17

11.72'

100.00'

19.30'

11.60'

22.00'

21.90'

50.00'

MARY MILLER CARSON

PLOT PLAN

FOR

EXISTING HOUSE

17 FENMERE AVE.
WELLESLEY, MASS.

PREPARED BY:

NEPONSET VALLEY SURVEY ASSOC., INC.

95 WHITE STREET
MARCH 15, 1996

QUINCY, MASS.
SCALE 1" = 20'



Stephen P. DesRoche
STEPHEN P. DesROCHE

PLS No.

FENMERE AVENUE

JOB 700_015

DOROTHY HOLMES

APR 1 11 05 AM '96
ROBERT GROME

RECEIVED
TOWN ENGINEER'S OFFICE
WELLESLEY, MA 02157

50.00'

AREA =
5,000 S.F.±

32.10'

19.73'

11.60'

B

PROPOSED
2 STORY

JEFFREY & DOREEN PETERSON

100.00'

100.00'

MARY MILLER CARSON

19.73'

11.60'

21.90'

21.90'

50.00'

FENMERE AVENUE

PLOT PLAN

FOR

PROPOSED HOUSE 17 FENMERE AVE. WELLESLEY, MASS.

PREPARED BY:

NEPONSET VALLEY SURVEY ASSOC., INC.

95 WHITE STREET
MARCH 15, 1996

QUINCY, MASS.
SCALE 1" = 20'



Stephen P. DesRoche
STEPHEN P. DesROCHE PLS No. 27699