



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 96-29  
Petition of Brian and Aleece Strachan  
89 Ledgeways

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 30, 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 BRIAN AND ALEECE STRACHAN requesting variances from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to construct the following additions at their nonconforming dwelling at 89 LEDGEWAYS, in a Single Residence District:

1. A one-story addition approximately 19 feet by 9.3 feet which will have less than the required right side yard setback.
2. A 9.5 foot by 3 foot roof overhang which will have less than the required right side yard setback.
3. A 41.7 foot by 18.5 foot two-story addition which will have less than the required right side and rear yard setbacks.

On May 13, 1996, 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 Brian Strachan, who was accompanied by his architect, Tom Catalano. Mr. Catalano said that although the Strachan lot is large, the house is tucked into the right rear corner, and is already nonconforming on the right side. The existing house is only 1,680 square feet with small rooms and a small kitchen.

Mr. Catalano explained that there is a storm drain located on the left side of the house, which constricts construction in that area. There is no easement for the storm drain, but it is currently in use. There is a catchbasin which accesses the drain near the driveway. There is no manhole. The pipe bends and then drains into Rockridge Pond. Relocation of the drain would require installation of a manhole, which would be difficult as the subsurface is mostly ledge.

The Board noted that the Special Permit/Finding portion of the legal notice was in error because the addition in the rear requires a variance and not a Special Permit. The addition will be less nonconforming than the existing house on the right side, but will create a new encroachment of 3 feet on the presently conforming 20 foot rear yard. The Board wanted the correction stated at the Public Hearing so it would be a matter of record.

No other person present had any comment on the petition.

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Statement of Facts

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The subject nonconforming dwelling is located on a 29,035 square foot lot at 89 Ledgeways, in a Single Residence District and has a minimum right side yard clearance of 12.9 feet.

The petitioners are requesting variances to construct the following additions:

1. A one-story addition approximately 19 feet by 9.3 feet at the right front corner of the dwelling. Said addition will have a minimum right side yard clearance of 12.2 feet.
2. A 9.5 foot by 3 foot overhang on the right side of the dwelling, which will have a minimum right side yard clearance of 10.7 feet.
3. A two-story addition approximately 41.7 feet by 18.5 feet extending across the rear of the dwelling, which will have a minimum right side yard clearance of 15.3 feet and a minimum rear yard clearance of 17 feet.

A Plot Plan dated May 23, 1996, drawn by David W. Humphrey, Professional Land Surveyor; Floor Plans and Elevations dated May 22, 1996; and photographs were submitted.

On March 28, 1996, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with conditions for the proposed work, as it lies within the 100 Year Buffer Zone of Rockridge Pond.

On May 23, 1996, the Planning Board reviewed the petition and voted to offer no objection.

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 because of the location of the house on the lot, the existence of the storm drain constricting construction on the left side of the house, and the presence of subsurface ledge, 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.

At the Public Hearing, this Authority voted unanimously to grant the requested variances. Therefore, the three variances requested for the additions described in the foregoing Statement of Facts are granted subject to construction in accordance with the submitted Plot Plan dated May 23, 1996; the construction drawings dated May 22, 1996; and all conditions contained in the Negative Determination of Applicability issued by the Wetlands Protection Committee on March 28, 1996.

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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 these variances 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  
Wetlands Protection Committee  
Inspector of Buildings  
edg



John A. Donovan, Jr., Chairman



Kendall P. Bates



Robert A. Bastille

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