



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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ZBA 97-10

Petition of Daniel L. Boucher
18 Hunting Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 30, 1997 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 DANIEL L. BOUCHER 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 the following additions to ELIZABETH BOUCHER'S nonconforming dwelling with less than the required front setback at 18 HUNTING STREET, in a Single Residence District:

1. A two-story addition approximately 22 feet by 30 feet with a 1.5 foot by 11 bay which will have less than the required front yard setback.
2. A roofed open porch approximately 36 feet by 4.8 feet across the front of the existing dwelling and 20.65 by 6.8 feet along the left side, which will have less than the required front yard setback.

On January 13, 1997, 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 Daniel Boucher, who said that he, his mother, and his wife live in the house. They are expecting a baby momentarily. They would like to build a two-story addition on the right side of the property, which would contain a family room, a kitchen, and a master bedroom on the second floor. They would also like to add a front porch which would tie the whole structure together. They will be removing the existing garage, as well as the temporary quonset hut structure. The basement of the new house will be used for a garage and a shop area, as Mr. Boucher said he restores antique cars.

Mr. Boucher said that both additions will remain 22.6 feet from the street, which is the setback of the existing garage, with the exception of the steps and bay window, which will be 21.2 feet from the street.

Mr. Boucher explained that their home is the last on the left on Hunting Street. There are 4 other homes on his side of the street which have setbacks of 9 feet, 31 feet, 11 1/2 feet and 19 feet. None of his neighbors have any objections to the additions.

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The Board stated that the approval of the addition and porch should not be construed as approval of a home occupation of restoring antique cars. Mr. Boucher explained that it is only a hobby, as he currently has two businesses and does not have time for a third.

Statement of Facts

The subject nonconforming dwelling is located at 18 Hunting Street, in a Single Residence District, on a 13,304 square foot lot, and has a minimum front yard clearance of 28.5 feet. owned by the petitioner's mother, Elizabeth Boucher, who occupies the dwelling with the petitioner and his wife. The lot also contains a detached garage with a minimum front yard clearance of 21.8 feet.

The petitioner is requesting a variance for the following additions:

1. A two-story 22 foot by 30 foot addition which would have a minimum front yard clearance of 22.7 feet.
2. An 11 foot by 1.5 foot bay window on the front of the proposed addition, which would have a minimum front yard setback of 21.2 feet.
3. A roofed open porch approximately 36 feet by 4.8 feet across the front of the dwelling, which would have a minimum front setback of 22.7 feet, with a 20.65 foot by 6.8 foot extension along the left side, which would have a minimum front yard setback of 22.4 feet.

The front yard setbacks on adjacent properties are as follows: 178 Walnut Street-9 feet; 4 Hunting Street-31 feet; 6 Hunting Street-11.5 feet; and 8 Hunting Street-19 feet.

A plot plan dated December 19, 1996, revised January 7, 1997, drawn by Sidney R. Vaughan, Registered Land Surveyor; Floor Plans and Elevations dated 1/7/97, drawn by Carl C. Oldenburg, AIA; and photographs were submitted.

Letters in support of the petition were received from Robert and Kristina Libon, 9 Hunting Street, and from Jean Field, 15 Hunting Street.

On January 23, 1997, the Planning Board reviewed the petition and offered no objection to the setback for the proposed front porch, but felt that the addition should comply with the setback requirements.

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.

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It is the opinion of this Authority that the proposed bay window, two-story addition, and front and side porches, although nonconforming as to front yard clearance, are far less nonconforming than 3 of the other 4 homes fronting the even numbered side of Hunting Street, and that only the bay window will be more nonconforming than the existing detached garage, which is to be demolished.

It is the further opinion that because of the "kite" 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 petitioner, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

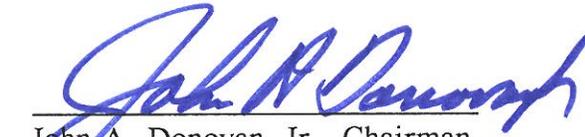
Therefore the requested variance is granted, as voted unanimously by this Authority at the Public Hearing, to demolish the existing garage, and construct the two-story addition with bay window, the front porch and side porch extension, subject to construction in accordance with the submitted plot plan and construction drawings.

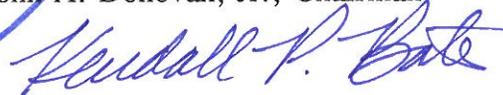
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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 A. Bastille

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