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ZONING BOARD OF APPEALS

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

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ZBA 97-89

Petition of Susan M. Bailey
3 Midland Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 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 SUSAN M. BAILEY 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 a two-story 10 foot 9 inch by 6 foot addition, which will have less than the required right side yard setback, at her nonconforming dwelling with less than the required front, rear and right side yard setbacks at 3 MIDLAND ROAD, in a Single Residence District.

On October 14, 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 Susan Bailey, who was accompanied by her architect, Jeanette Thomson. Ms. Bailey said that she would like to build a screened porch. Ms. Thomson added that the shape of the porch was similar to the existing bay window. They had explored several options as to siting the porch, and decided that the proposed location exiting from the living room was the best. The addition will mimic the existing bay as to exterior trim and siding. None of the neighbors have any objections.

The Board noted that the Planning Board had recommended that the addition encroach no closer than the existing bay. The Board also noted that the lot has an unusual shape.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 3 Midland Road, in a Single Residence District, on a 5,866 square foot lot, with a minimum rear yard clearance of 7.8 feet, a minimum front yard clearance of 22 feet and a minimum right side yard clearance of 19 feet.

The petitioner is requesting a variance to construct a two-story 10 foot 9 inch by 6 foot addition, which will contain screened porches on both the first and second floors. The addition will have a minimum right side yard clearance of 14 feet.

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A Plot Plan dated 9/29/97, revised 9/30/97, drawn by Joseph D. Marquedant, Registered Professional Land Surveyor; Floor Plans and Elevations dated 10/1/97, drawn by Thomson Architects; and photographs were submitted.

On October 21, 1997, the Planning Board reviewed the petition and recommended that the encroachment of the proposed project into the side yard area be no greater than the encroachment of the existing bay.

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 with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that because of the 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.

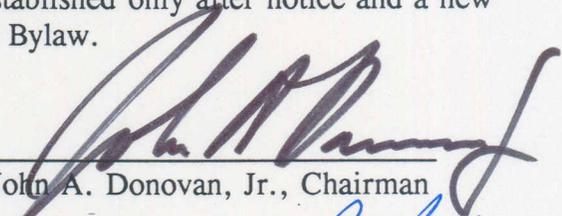
Therefore, the requested variance to construct the 10 foot 9 inch by 6 foot two-story addition with a minimum right side yard clearance of 14 feet is granted, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plot plan and construction drawings.

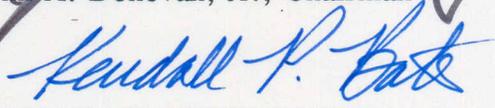
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

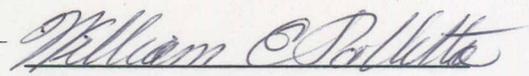
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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


William E. Polletta

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Sept 29, 97

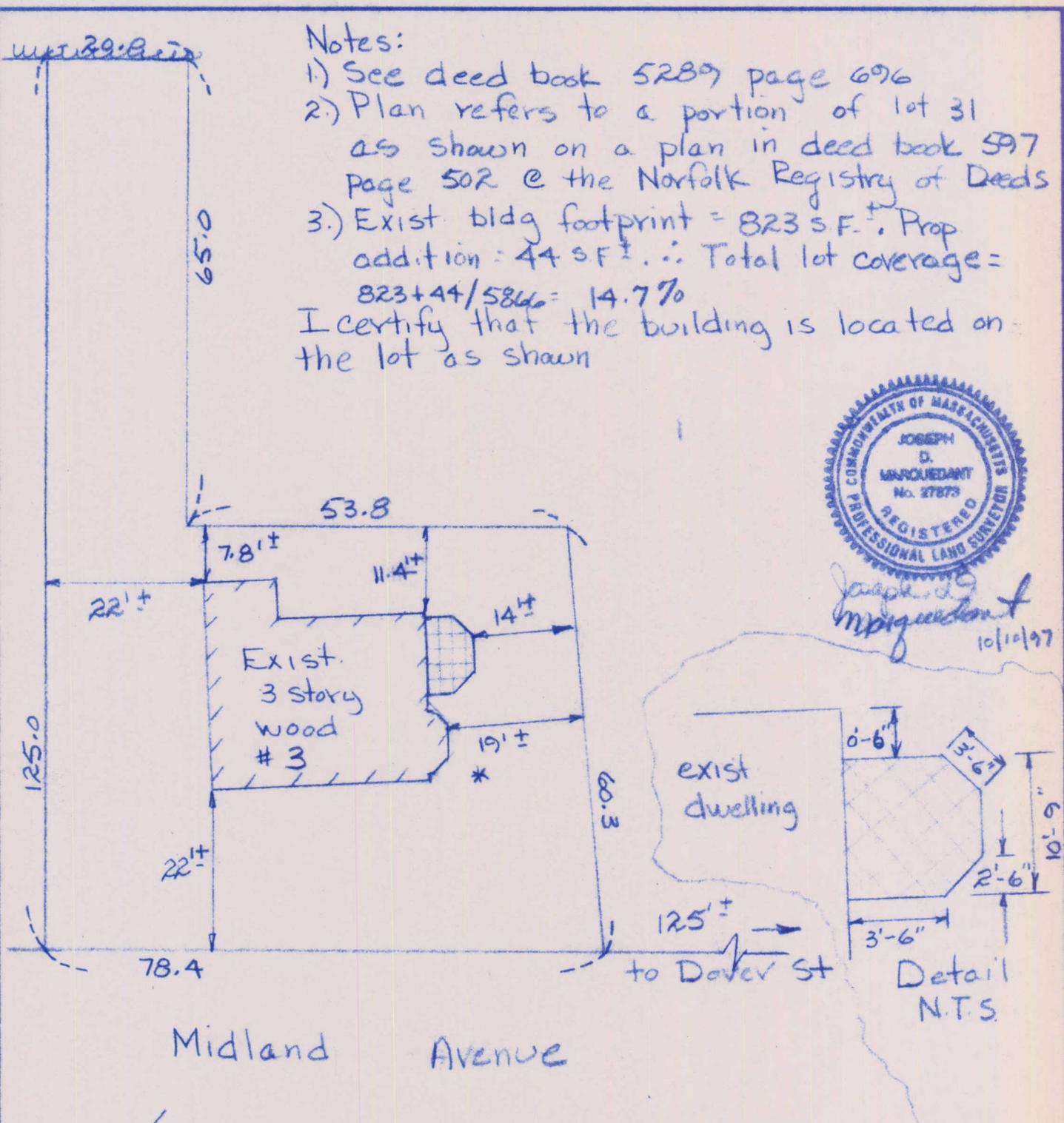
Notes:

- 1) See deed book 5289 page 696
- 2) Plan refers to a portion of lot 31 as shown on a plan in deed book 597 page 502 @ the Norfolk Registry of Deeds
- 3) Exist. bldg footprint = 823 s.f. Prop addition = 44 s.f. ∴ Total lot coverage = $823 + 44 / 5846 = 14.7\%$

I certify that the building is located on the lot as shown



Joseph D. Marquedant
10/10/97



Midland Avenue

to Dover St

Detail N.T.S.

Certified Plot Plan
Wellesley Ma.

SCALE 1" = 20'	APPROVED BY	DRAWN BY
DATE Sept 29, 97		REVISED 9/30/97
Prep by: J D Marquedant & Assoc. Inc 6 Walcott St Hopkinton Ma 01748		10/10/97
Prep for: Ms Sue Bailey 3 Midland Rd Wellesley Ma		DRAWING NUMBER 97-3696

* added offset dimension 10/10/97