TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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ZBA 98-65
Petition of Thomas M. Scurrah and Sara B. Cole
5 Donazette Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 20, 1998 in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of THOMAS M. SCURRAH AND SARA B. COLE requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to enclose an existing 6.5 foot by 8 foot roofed front landing, which has less than the required front yard setback and an area greater than the 50 square feet allowed by right, at their nonconforming dwelling with less than the required front and left side yard setbacks, at 5 DONAZETTE STREET, in a Single Residence District.

On August 3, 1998, the petitioners filed a request for a hearing before this Authority, and therafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Sara Cole and Thomas Scurrah. Ms. Cole said that their home is located between the Middle School and a vacant lot. The next house, at 5 Donazette Street, has an enclosed porch with less than the required 30 foot front setback.

Ms. Cole explained that they would like to enclose a portion of the existing nonconforming concrete slab roofed landing to create an area which juts out from the front door. The construction will be within the envelope of the existing structure. When enclosed, the porch will be 23.5 feet from the front property line and will have a total area of 52 square feet. None of the neighbors object, and they have a letter of support from the principal of the Middle School.

Mr. Scurrah said the issues are that the landing to be enclosed is 52 square feet, and that the front setback is 23.5 feet. The enclosure will conform with the existing architecture. The concrete landing existed when they purchased the house.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 5 Donazette Street, in a Single Residence District, on a 7,360 square foot lot, and has a minimum left side yard clearance of 18.28 feet and a minimum front yard clearance of 23.3 feet from the left front corner of the concrete slab.

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The petitioners are requesting a variance to enclose a 6.5 foot by 8 foot roofed portion of an existing nonconforming concrete slab, which has a minimum front setback of 23.5 feet from the left front corner and a minimum front setback of 23.4 feet from the right front corner of the portion to be enclosed.

A variance is also requested to exceed the allowed area of 50 square feet for a front landing, as the proposed enclosed landing will be 52 square feet.

A Plot Plan dated April 13, 1998, revised May 1998, drawn by Jean Nysten, Registered Professional Land Surveyor; Existing and proposed elevations dated June 7, 1998; and photographs were submitted.

Decision

This Authority has made a careful study of the material 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 petitioners, 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 enclose a 6.5 foot by 8 foot roofed portion of the existing nonconforming concrete slab with less than the required front setback, and with an area of 52 square feet, which is greater than the 50 square feet allowed by right, subject to construction in accordance with the submitted plot plan and elevation drawing.

The Inspector of Buildings is hereby authorized to issue a building permit for 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

Kendall P. Bates, Acting Chairman

William E. Polletta

Robert A. Bastille

cc: Planning Board
Inspector of Buildings

PLOT PLAN OF LAND
WELLESLEY, MASS.
SHOWING
A PROPOSED FOYER ENTRANCE

DATE: APRIL 13, 1998 SCALE: 1"= 20'
REV: May 1998
PREPARED FOR SARA B. COLE

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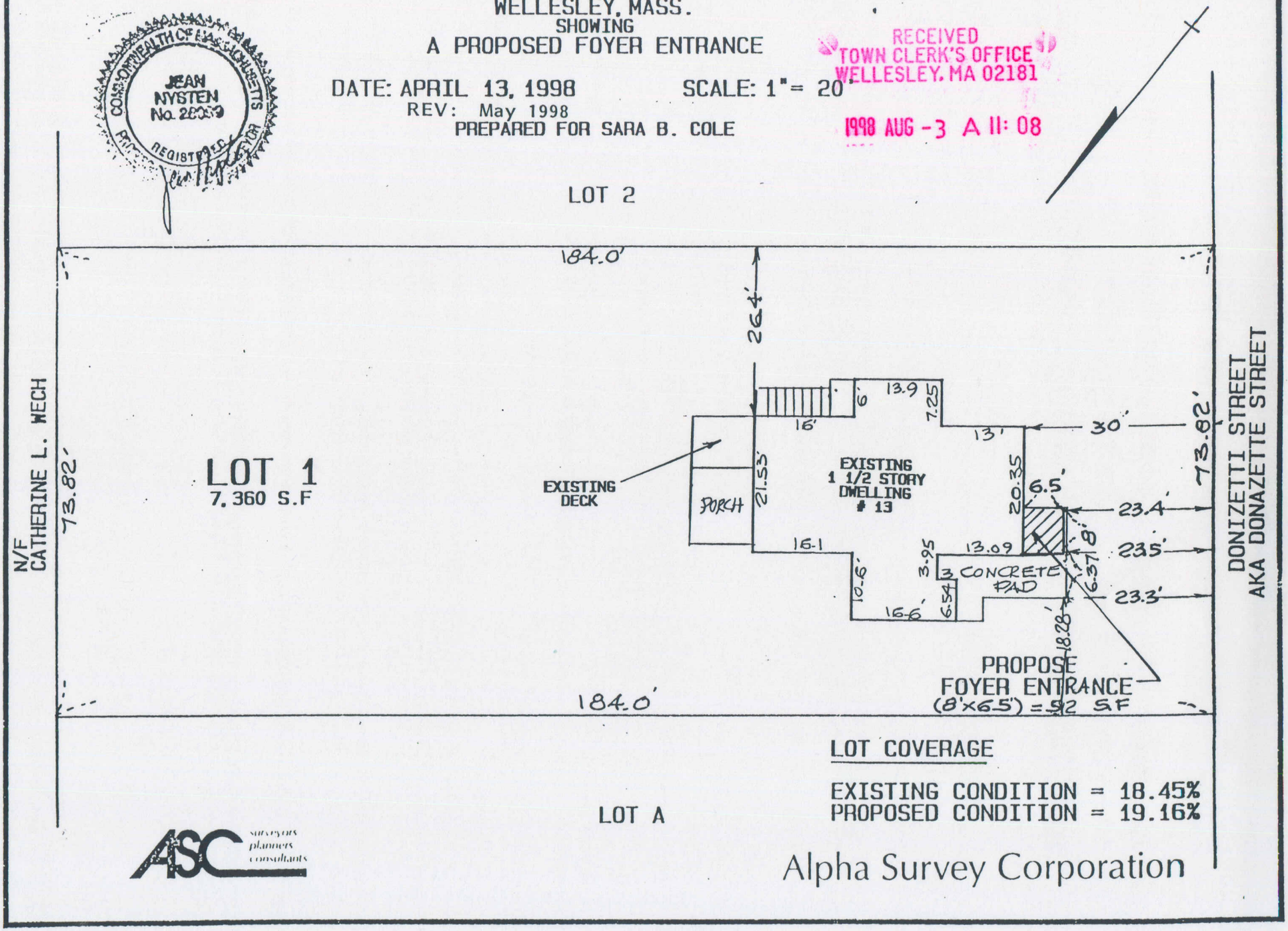
COMMONWEALTH OF MASSACHUSETTS
JEAN NYSTEN
No. 28039
REGISTERED



LOT COVERAGE

EXISTING CONDITION = 18.45%
PROPOSED CONDITION = 19.16%

ASC surveyors planners consultants

Alpha Survey Corporation