



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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WELLESLEY, MA 02158
DEC 29 9 30 AM '88

ZBA 88-103
Petition of Richard and Viola Morse
15 Homestead Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, December 15, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of RICHARD AND VIOLA MORSE requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow removal of an existing porch and construction of a two-story addition approximately 14 feet by 22 feet 6 inches at their non-conforming dwelling at 15 HOMESTEAD ROAD, in a Single Residence District, with less than the required front setback.

Presenting the case at the hearing was Richard Morse, who was accompanied by his wife and his architect, Alec Holser. Mr. Morse said they would not be increasing the existing encroachment of the house, and that they are in need of more space as they have had two children since they purchased the property.

The Board asked the Morses to comment on the recommendation of the Planning Board that the addition be moved back to conform with the 30 foot setback requirement.

Mr. Holser said that the addition had been sited to preserve the symmetry of the house. Mrs. Morse said that the addition would not come any closer to the street than the existing porch. Mr. Morse added that the lot is limited in the rear, and that the size of the addition would have to be changed in order to move it to the rear and still conform to both the front and rear setback requirements. Mrs. Morse said that their home is sited further back from the street than other homes on the street.

No person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 15 Homestead Street, in a Single Residence District, on an 8,000 square foot lot with a minimum front setback of 23.89 feet.

The petitioners are requesting a variance to construct a two-story addition approximately 14 feet by 22 feet 6 inches leaving a minimum front yard setback of 25.72 feet.

A Plot Plan dated October 31, 1988, drawn by John Lawrence Noonan, Registered Land Surveyor; Construction drawings and elevations dated November 22, 1988, drawn by Binkley Holser Architects; and photographs were submitted.

The Planning Board, on December 6, 1988 voted to oppose this request as it appears it could be made to conform with the setback requirement.

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Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed two-story addition conforms to the present lines of the house and does not alter the relationship of the house to the front property line.

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.

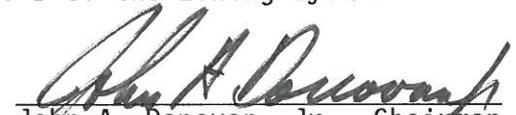
Therefore, the requested variance is granted subject to construction in accordance with the Plot Plan and construction plans as submitted and noted in the foregoing Statement of Facts, said addition coming no closer than 25.72 feet from the front property line.

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

If the rights authorized by a variance are not exercised within one year of the date of grant of such 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

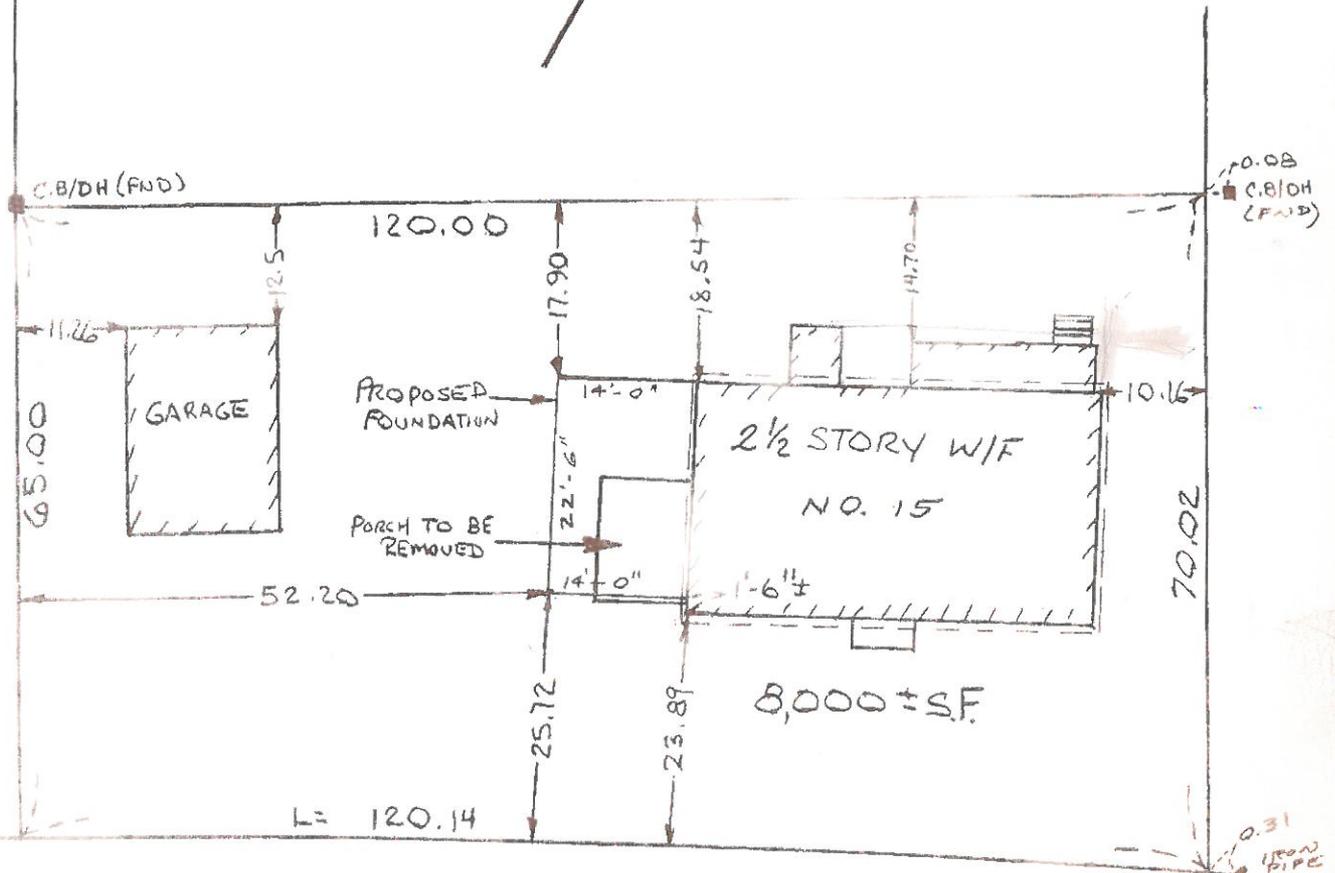

John A. Donovan, Jr., Chairman


Franklin P. Parker


William E. Polletta

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Nov 29 10 55 AM '88



HOME STEAD ROAD

BUILDING COVERAGE = 22.57%



PLOT PLAN
IN
WELLESLEY, MASS.
SCALE: 1 IN. = 20 FT. OCT. 31, 1988
NOONAN & MC DOWELL, INC.
SUITE 6, 25 BRIDGE ST.
BILLERICA, MA. 01821
(617) 667-9738

11/1/88 *John Lawrence Noonan*
DATE PROF. LAND SURVEYOR

NOTE: THIS PLOT PLAN IS THE PROPERTY OF NOONAN & MC DOWELL, INC. AND MAY NOT BE ALTERED. JOB NO. 881