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AUG 5 9 29 AM '88ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATESELLEN D. GORDON
Executive Secretary
Telephone
431-1019WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCKZBA 88-66
Petition of Robert E. Flynn
30 Lincoln Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 21, 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 ROBERT E. FLYNN requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a family room approximately 22.3 feet by 12 feet at the left rear portion of his non-conforming dwelling at 30 LINCOLN ROAD, in a Single Residence District, said addition leaving less than the required left side yard.

On July 5, 1988, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Gus Hallen, Mr. Flynn's builder, who said the construction would involve extending an existing room 12 feet to the rear of the property. There will be construction of a new fireplace and chimney. The Board commented that the chimney does not appear on the Plot Plan.

The Board requested that the encroachment be eliminated by moving the side wall 3 inches to the right to which Mr. Hallen agreed. The Board stated that construction would be allowable if the addition came no closer to the left side lot line than the left rear corner of the existing building.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 30 Lincoln Road, in a Single Residence District, on a 24,953 square foot lot, with a minimum left side yard clearance of 13.98 feet.

The petitioner is requesting a variance to construct a one-story addition approximately 22.3 feet by 12 feet at the left rear side of the dwelling, leaving a left side yard of 13.79 feet.

A Plot Plan dated June 27, 1988, drawn by John J. Regan, Registered Land Surveyor; construction plans dated June 20, 1988, drawn by Gus Hallen, Contractor; and photographs were submitted.

The Planning Board, on July 12, 1988, voted to oppose the variance request as the addition would further encroach on the inadequate side yard.

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Decision

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

It is the opinion of this Authority that at present the proposed one-story addition does not conform to the present lines of the house, but that this condition can be rectified without undue difficulty.

It is the opinion of this Authority that because of 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 to construct a one-story addition at 30 Lincoln Road subject to the following conditions:

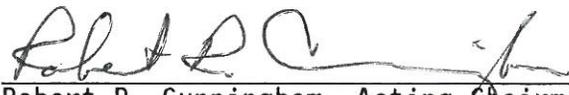
1. That all new construction, excluding the chimney, come no closer to the left side property line than the closest point on the left side of the existing foundation;
2. That a new Plot Plan be submitted to the office of the Board of Appeals showing the chimney and all building sideline dimensions and setbacks.

Upon completion of the foregoing conditions, the Inspector of Buildings is then 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

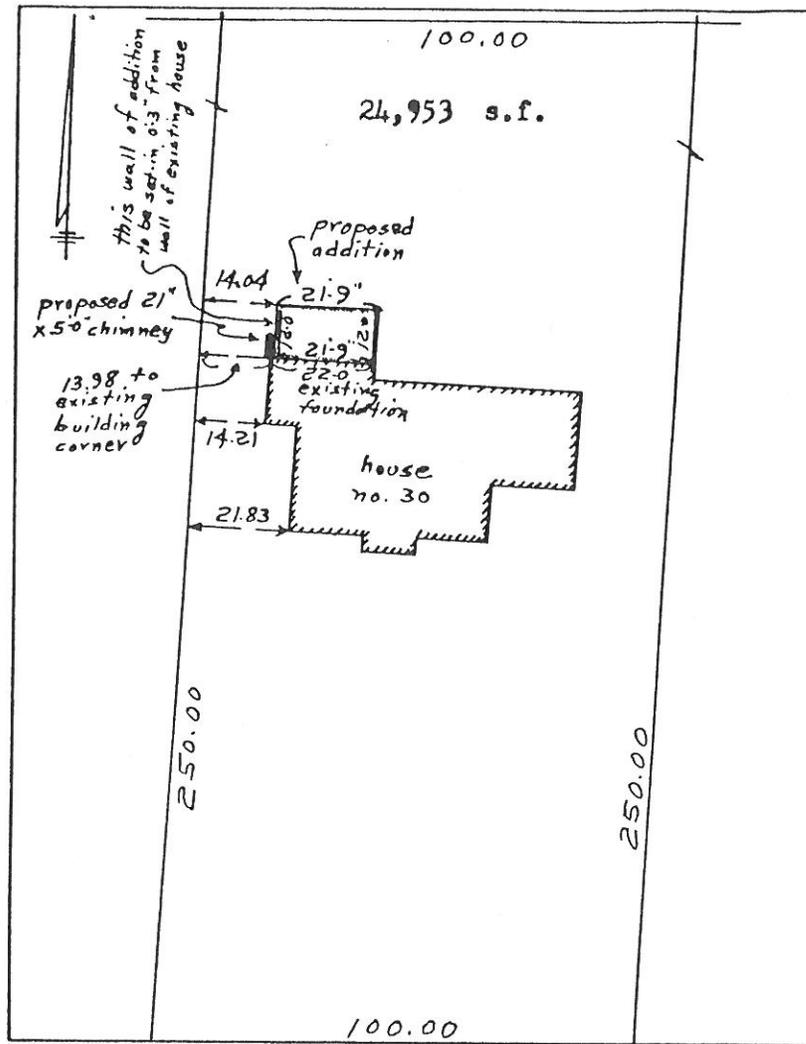

Robert R. Cunningham, Acting Chairman


Kendall P. Bates


William E. Polletta

CERTIFIED PLOT PLAN

EBA 88-66
Robert E. Flynn
30 Lincoln Rd



LINCOLN ROAD

August 1, 1988

Date

John J. Regan
Reg. Land Surveyor #7931

Note:

See variance granted by The
Wellesley Zoning Board of Appeals



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