



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 91-4  
Petition of John Guigli  
804 Worcester Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 24, 1991 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 JOHN GUIGLI 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 and one-half story single family dwelling, which would be in compliance with all zoning setback requirements, at 804 WORCESTER STREET, in a Single Residence District, on a lot which has less than the required frontage of 75 feet and less than the minimum required front yard width of 75 feet.

On January 7, 1991, 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 Kevin Gordon of Design West, architect for the project. Mr. Gordon stated that Mr. Guigli, who presently lives in Needham, would like to build this home on a lot he purchased in 1968 to live in when he retires. The proposed house will meet all zoning setbacks, but due to the changes in the Zoning Bylaw adopted in 1989, which changed frontage and front yard width requirements from 60 feet to 75 feet in a 10,000 square foot district, the property has become nonconforming in these two respects.

Annie Bortolotti, 800 Worcester Street, sister of the petitioner, expressed support for the petition.

#### Statement of Facts

The nonconforming property is located at 804 Worcester Street, in a Single Residence District, containing 21,105 square feet, with minimum frontage of 74.98 feet and a minimum front yard width of 60 feet on a parallel line with Worcester Street.

The petitioner is proposing to construct a two and a half story, single family dwelling, which is in conformance with rear, side and front setback requirements, and is requesting a variance from the frontage requirement of 75 feet and the requirement of front yard width of 75 feet. The property is hatchet-shaped in that it has frontage of 74.98 feet, narrowing to 60 feet, at a depth of 123 feet; whereupon it widens to 161.07 feet. The proposed dwelling will be set back approximately 146.2 feet from the front property line.

The property was purchased by the petitioner in 1968 at which time the frontage and front yard width requirements were 60 feet in a 10,000 square foot district. In 1989, Town Meeting adopted a change in Section XIX of the Zoning Bylaw which increased the aforesaid requirements to 75 feet in a 10,000 square foot district, thereby rendering the property at 804 Worcester Street nonconforming.

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A Plot Plan dated December 24, 1990, drawn by Robert F. Drake, Professional Land Surveyor; Front Elevation (1), Left & Right Side Elevation (2), Rear Elevation (3), First Floor Plan (4), Second Floor Plan (5), all dated October 11, 1990. and a Foundation Plan (6), dated October 4, 1990. All plans were drawn by Design West.

The Planning Board, on January 22, 1991, voted to offer no objection to the granting of the request.

Decision

This Authority has made a careful study of the evidence presented. The subject lot is not in conformance with the current Zoning Bylaw as noted in the foregoing Statement of Fact.

It is the opinion of this Authority that the lack of .02 feet in regard to frontage is de minimus and can be allowed. It is the further opinion of this Authority that due to the unusual configuration of the lot, relief from the front width requirement can also be allowed.

It is the opinion of this Authority that due to the shape of 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.

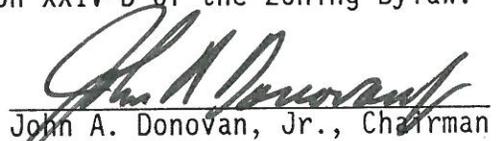
Therefore, the requested variance is granted to construct a two and one-half story single residence dwelling at 804 Worcester Street, on a lot with less than the required frontage and less than the required front yard width, subject to construction in accordance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of Facts, and subject to the condition that no commercial vehicles shall be parked uncovered on the property.

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 this 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

  
Robert R. Cunningham

  
William E. Polletta

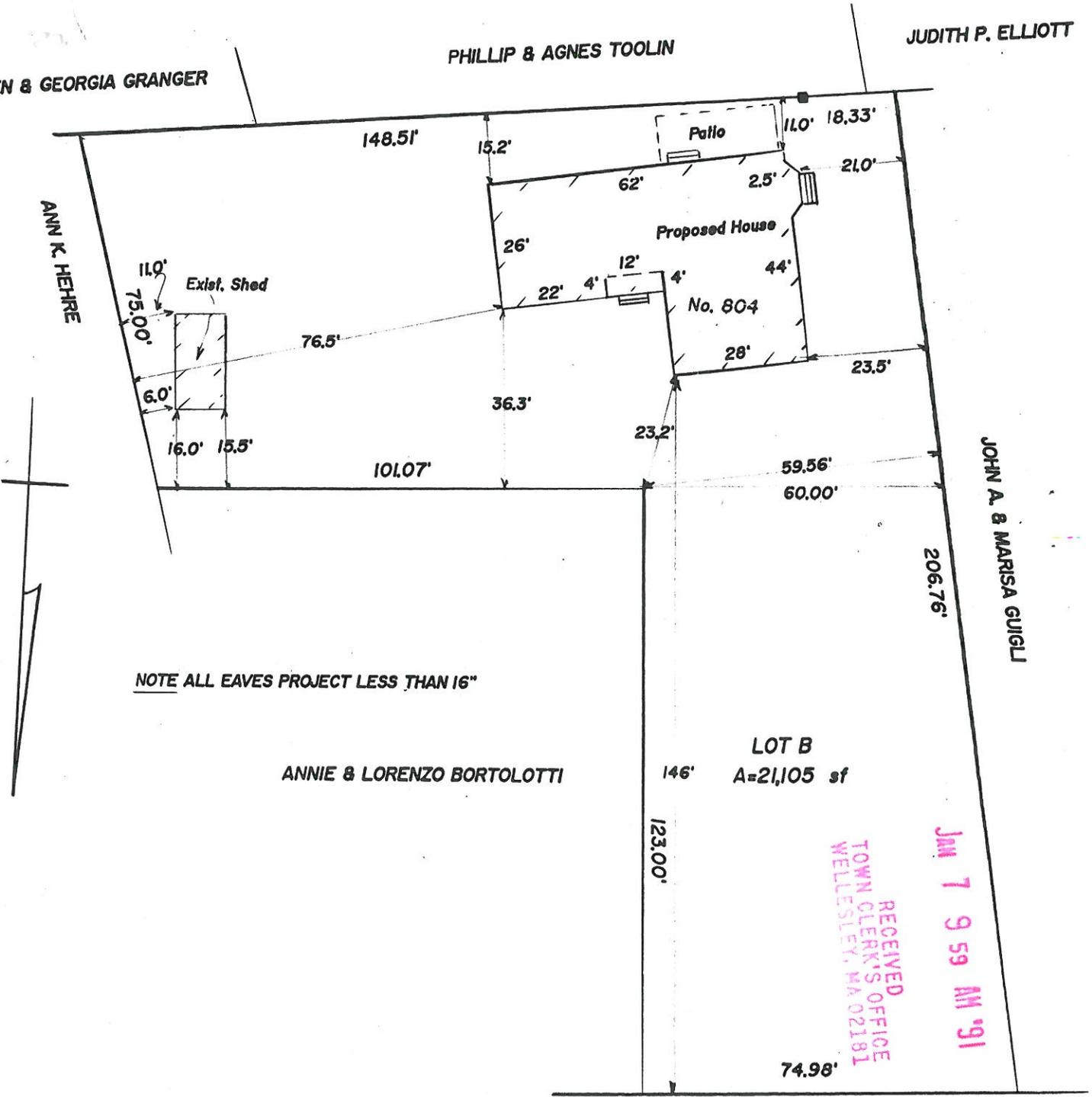
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BEN & GEORGIA GRANGER

PHILLIP & AGNES TOOLIN

JUDITH P. ELLIOTT

ANN K. HEHRE



NOTE ALL EAVES PROJECT LESS THAN 16"

ANNIE & LORENZO BORTOLOTTI

LOT B

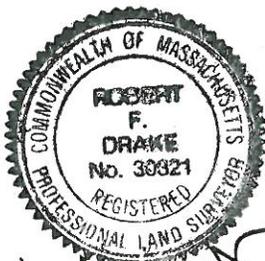
A=21,105 sf

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REFER TO PLAN BY CHENEY ENGINEERING CO. INC.  
DATED MARCH 4, 1970  
ASS. MAP 159 LOT 70

WORCESTER STREET



*Handwritten signature*

SITE PLAN

WELLESLEY, MASS

SCALE 1" = 30' DEC. 24, 1990

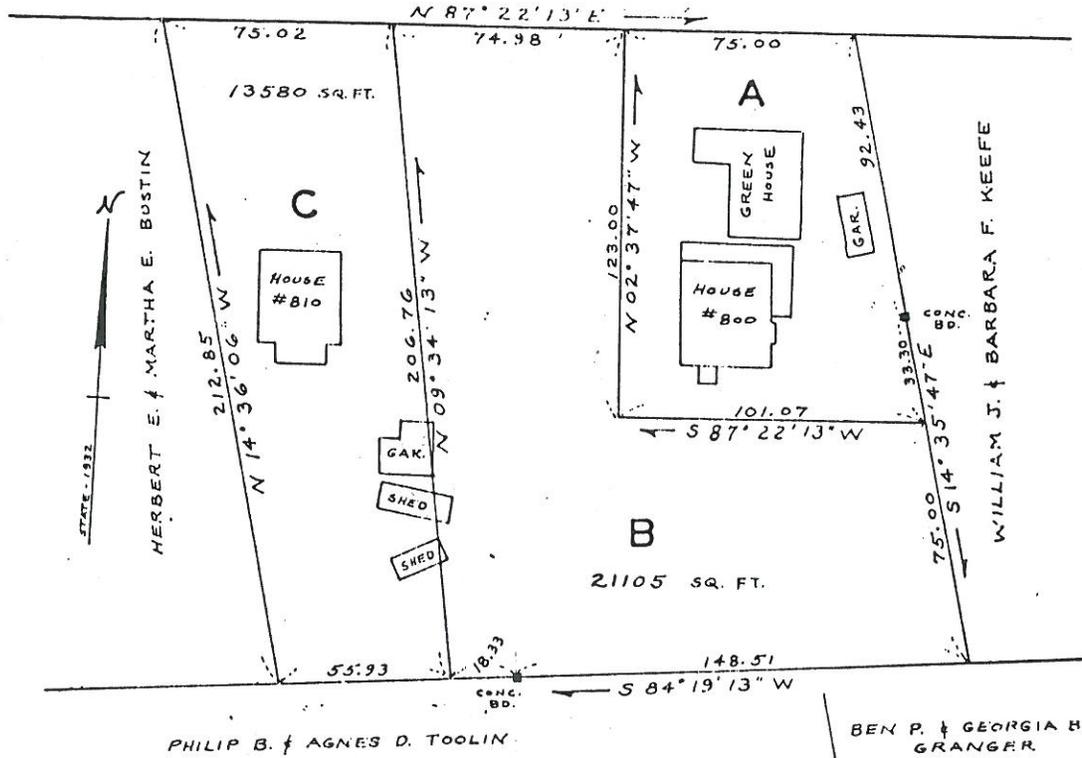
APPLICANT JOHN A. & MARISA GUGLI

DRAKE ASSOCIATES INC.

770 GROVE STREET FRAMINGHAM MASS

# WORCESTER ST.

( STATE HIGHWAY - 1932 )



This endorsement shall not be deemed to constitute a determination of compliance in any way with the provisions of the Building Code.

## PLAN OF LAND IN WELLESLEY, MASS.

SCALE: 1" = 40'  
MARCH 4, 1970

CHENEY ENGINEERING  
CO., INC.  
NEEDHAM, MASS.

A MAJORITY OF THE PLANNING BOARD  
WELLESLEY  
MAR 1 8 1970

PBC 70-10

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