



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 92-13
Petition of F. Peter Carothers
22 Cushing Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 20, 1992 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 F. PETER CAROTHERS requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow demolition of an existing nonconforming detached garage with less than the required right side yard and construction of a two-story addition with a two-car garage and greenhouse below and master suite above, approximately 40 feet by 21.5 feet, with less than the required right side yard at his property at 22 Cushing Road, in a Single Residence District.

On February 3, 1992, the petitioner requested 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 Peter Carothers, who said that due to the forthcoming enlargement of his family, additional space is required. In determining the location of the addition, he said that the right side was chosen as the driveway already exists. The width between the proposed addition and the Ahlgren's dwelling is over 80 feet as opposed to 44 feet on the left side. The proposed location is one of the only sites on the property which would not require blasting or sealing off existing rooms in the house. The property is flat in the rear, but has plentiful ledge.

Mr. Carothers added that the footprint of the house would be increased about 430 square feet. Between 25-30% of that increase would be infill between the line of the existing garage and the house. The addition will come no closer to the lot line than the existing garage. In response to initial objections by the Ahlgrens, the roof line was lowered 4.5 feet, and the addition pulled back 1.3 feet from the right side lot line.

Mr. Carothers submitted a letter of support from Mr. & Mrs. Demers, 20 Cushing Road.

Hans Ahlgren, 26 Cushing Road, the right side abutter, voiced strong opposition to the petition, as he felt that the addition would be an intrusion on his property and visible from his driveway and front yard.

Lenore Williams, 18 Hawthorne Road, the rear abutter, also voiced opposition. She was disturbed that there was no plan to increase the screening in the rear.

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Greg Crowley, 21 Cushing Road, expressed opposition to the petition, stating that, in his opinion, the petitioner had several alternatives by which the addition could be built in a conforming manner. He said that there are many nonconforming single car garages in the neighborhood, and that the granting of the variance would set a precedent of increased usage of space which would derogate from the Zoning Bylaw. Mr. Crowley submitted a letter in opposition to the petition from Rebecca R. Hawkins, 14 Cushing Road.

Mr. Carothers stated that the addition is two stories, but is set down half a story as compared to the existing house.

Statement of Facts

The subject property is located at 22 Cushing Road, in a Single Residence District, on a 15,961 square foot lot on which stands a nonconforming detached one-car garage which has a minimum right side yard clearance of 13.3 feet. The subject two-story dwelling is conforming as to all required setbacks.

The petitioner is requesting a variance to demolish the existing nonconforming garage and construct a two-story addition, approximately 40 feet by 21.5 feet, consisting of a two-car garage and greenhouse at ground level and a master suite above, which would have a minimum right side yard clearance of 13.3 feet at the right front corner and a conforming setback of 25 feet at the right rear corner. Said addition would come no closer to the right side lot line than the existing detached garage. The two-story addition has a total of 709.6 square feet, of which 641.2 square feet or 90.36% would be conforming, leaving 68.4 square feet, or 9.64% to be constructed in the nonconforming portion of the property.

A Plot Plan dated 1/92 drawn by Paul J. DeSimone, Registered Land Surveyor; construction drawings and elevations drawn by Peter E. Bullis, Architect; and photographs were submitted.

Letters in opposition to the petition were received from Hans J. Ahlgren, 26 Cushing Road; and from Gregory and Mary Crowley, 21 Cushing Road.

On February 11, 1992, the Planning Board reviewed the petition and voted to recommend denial of the variance.

Decision

This Authority has made a careful study of the materials submitted and information presented at the hearing. The existing two-story dwelling conforms to the all the required setbacks; the existing detached garage does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed the two-story addition to be constructed along the line of the existing detached garage, which would be demolished, will not encroach any further on the right side yard than said nonconforming garage, and that the bulk of the proposed addition will conform to the twenty foot side yard setback requirement.

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It is the opinion of this Authority that because of the soil conditions containing widespread ledge and outcropping at the rear and left side of the lot that 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 drawings submitted and noted in the foregoing Statement of Facts.

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

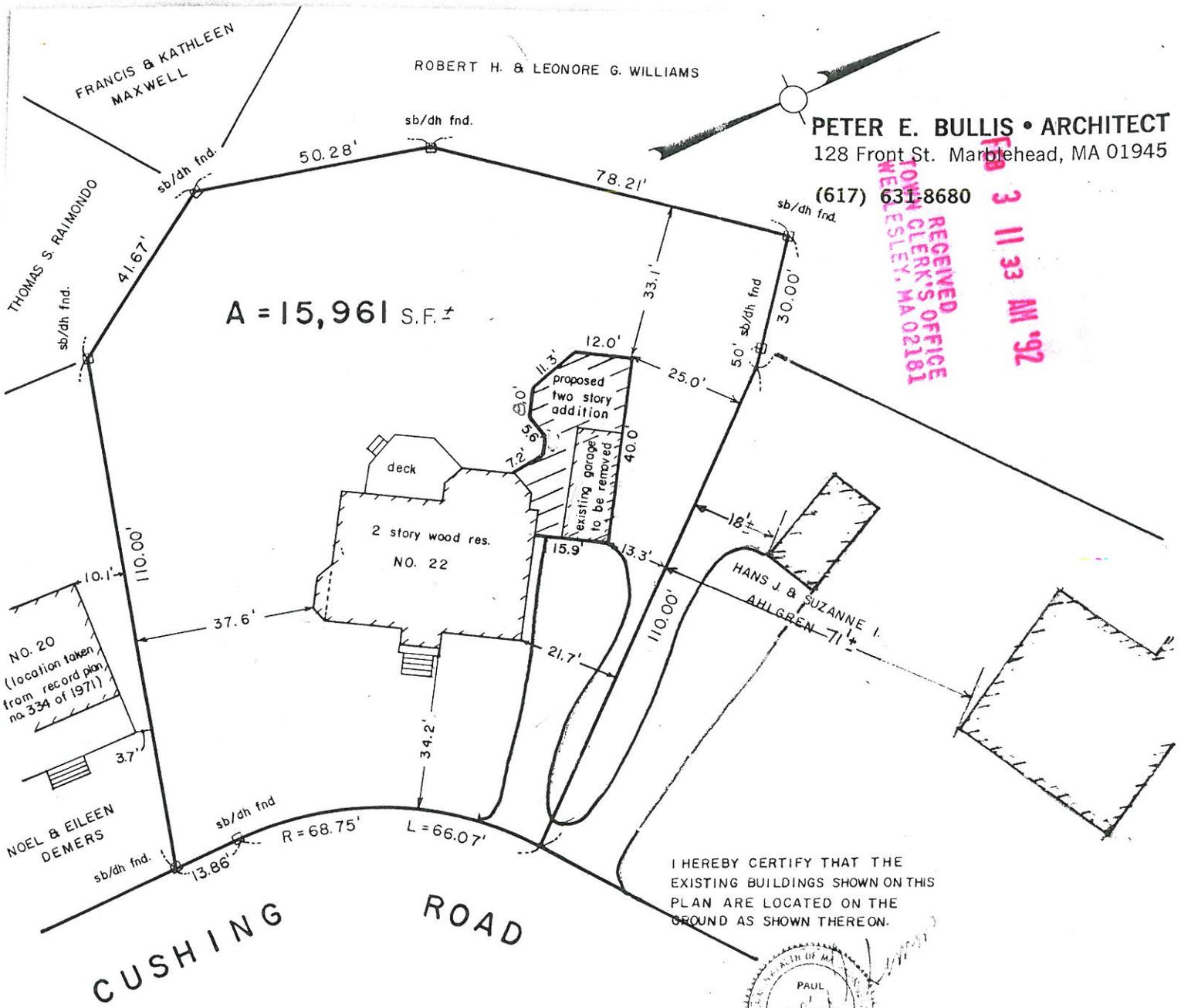
cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Franklin P. Parker

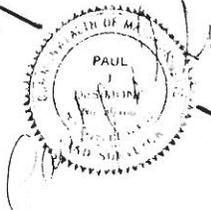
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PETER E. BULLIS • ARCHITECT
 128 Front St. Marblehead, MA 01945
 (617) 631-8680

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I HEREBY CERTIFY THAT THE EXISTING BUILDINGS SHOWN ON THIS PLAN ARE LOCATED ON THE GROUND AS SHOWN THEREON.



NOTES:

1. BEING LOT SHOWN ON A PLAN BY W.W. WIGHT C.E., DATED MAY 1911 AND RECORDED WITH NORFOLK REGISTRY OF DEEDS, BOOK 1179 PAGE 536.
2. THE PROPOSED ADDITION WILL BE LOCATED ALONG THE SAME SIDE LINE AS THE EXISTING GARAGE.
3. THIS PLOT PLAN WAS MADE FROM AN INSTRUMENT SURVEY.
4. THIS PLOT PLAN IS TO ACCOMPANY AN APPLICATION FOR A VARIANCE TO CONSTRUCT THE PROPOSED ADDITION.

**CERTIFIED PLOT PLAN
 WELLESLEY, MASS.**

SCALE: 1" = 30'
 JANUARY 20, 1992

OWNER: PETER CAROTHERS

CAMERON BROTHERS INC.
 485 PLEASANT STREET
 MALDEN, MASS.

Drawing Title PLOT PLAN

Project CAROTHERS' HOUSE/WELLESLEY

Scale 1" = 30' Date 1/92 Project No _____

Dwg No 1