



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 92-18
Petition of Robert M. and Jean K. McTighe
28 Wellesley Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 19, 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 ROBERT M. AND JEAN K. McTIGHE 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-story addition approximately 25 feet by 17 feet with less than the required front setback from ABERDEEN ROAD, at their nonconforming dwelling at 28 WELLESLEY AVENUE and the corner of ABERDEEN ROAD with less than the required front setback from ABERDEEN ROAD, in a Single Residence District.

On March 2, 1992, the petitioners 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 were Robert and Jean McTighe. Mr. McTighe said that the addition will consist of a family room and an enlargement of the kitchen on the first floor and a master suite on the second floor. The existing rear entry and the second floor dormer will be removed for the new construction. The existing driveway will have to be narrowed to accommodate the addition.

Mrs. McTighe submitted a letter in support of the petition written by Geraldine O'Connor, 5 Aberdeen Road.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 28 Wellesley Avenue on the corner of Aberdeen Road, in a General Residence District, on an 18,039 square foot lot. The existing dwelling has a minimum front setback of 17.5 feet from Aberdeen Road.

The petitioners are requesting a variance to construct a two-story addition approximately 17 feet by 25 feet, at the rear of their dwelling, which would have a minimum front setback of 21.6 feet from Aberdeen Road.

A Plot Plan dated February 25, 1992, drawn by Robert E. Bissonnette, Registered Land Surveyor; construction drawings and elevations; and photographs were submitted.

On March 10, 1992, the Planning Board reviewed the petition and voted to offer no objection to the granting of the variance.

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Decision

This Authority has made a careful study of the evidence submitted and the information presented at the hearing. The subject house 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 two-story addition conforms to the present lines of the house, and in fact will present less of an encroachment on the front property line on Aberdeen Road than the existing nonconforming dwelling.

It is the opinion of this Authority that because of the shape of the lot, the location of the house on the lot, and the location of the lot on the corner of two streets, which renders it subject to 30 foot setbacks on two frontages, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

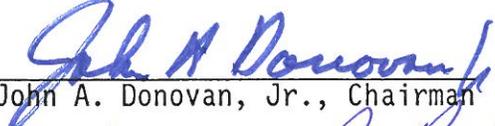
Therefore, the requested variance is granted subject to construction in accordance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of Facts.

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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Apr 9 11 40 AM '92

Mar 2 9 09 AM '92

PLAN OF LAND

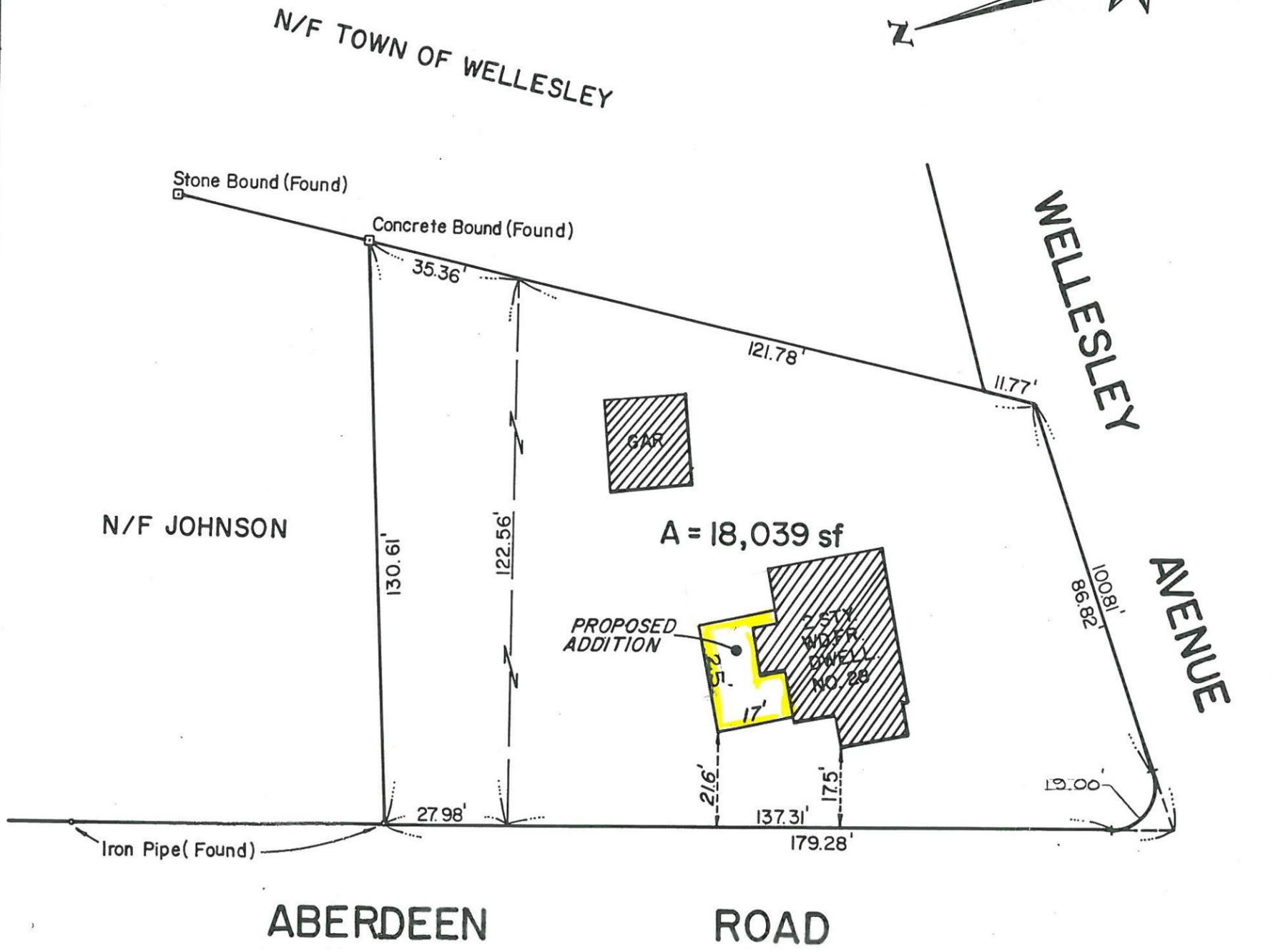
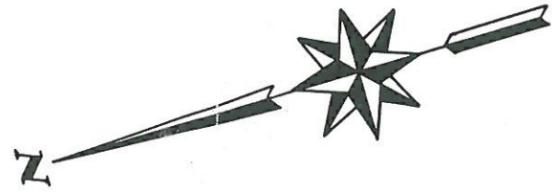
LOCATED IN RECEIVED TOWN CLERK'S OFFICE WELLESLEY, MA 02181

WELLESLEY MASSACHUSETTS

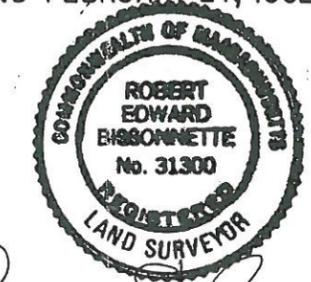
SHOWING A PROPOSED BUILDING ADDITION TO 28 WELLESLEY AVENUE

PREPARED FOR ROBERT & JEAN McTIGHE

SCALE: 1" = 30' FEBRUARY 24, 1992



I HEREBY CERTIFY THAT THE LOCATION OF THE DWELLING SHOWN HEREON IS THE RESULT OF AN INSTRUMENT SURVEY MADE ON THE GROUND FEBRUARY 24, 1992.



Robert E. Bissonette 2-25-92
Professional Land Surveyor Dated

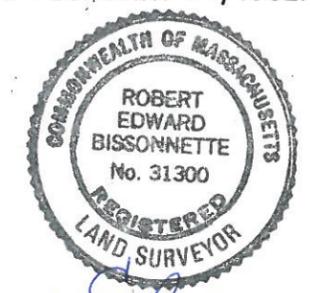
DESLAURIES & ASSOCIATES, INC.
161 WASHINGTON STREET
EAST WALPOLE, MASSACHUSETTS 02032
PROFESSIONAL LAND SURVEYORS

PLAN OF LAND
 LOCATED IN
WELLESLEY
MASSACHUSETTS
 SHOWING A PROPOSED BUILDING
 ADDITION TO 28 WELLESLEY AVENUE

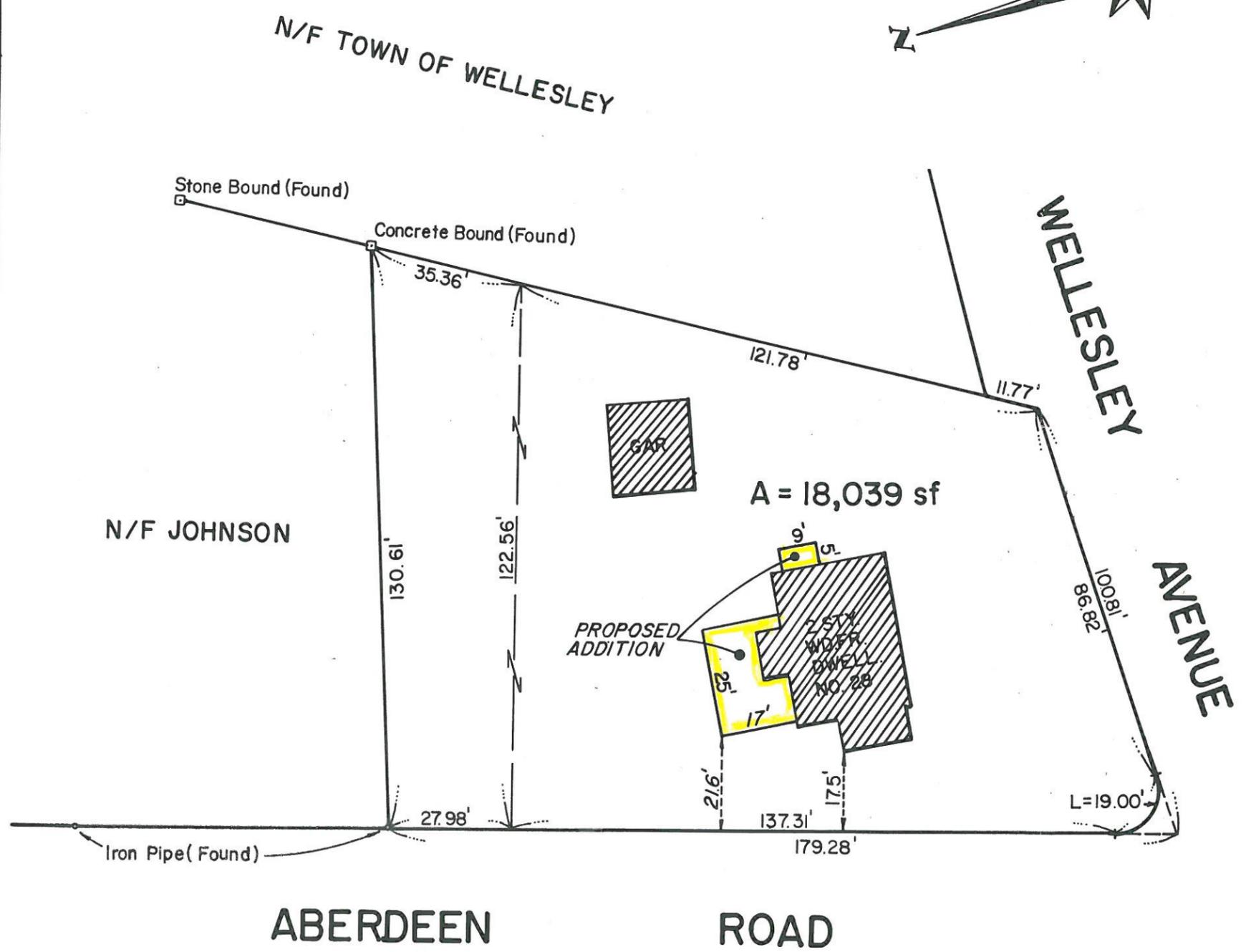
PREPARED FOR
ROBERT & JEAN McTIGHE

SCALE: 1" = 30' FEBRUARY 24, 1992
 Rev. March 11, 1992

I HEREBY CERTIFY THAT THE LOCATION OF THE
 DWELLING SHOWN HEREON IS THE RESULT
 OF AN INSTRUMENT SURVEY MADE ON THE
 GROUND FEBRUARY 24, 1992.



Robert E. Bissonnette 3-11-92
 Professional Land Surveyor Dated



DESLAURIES & ASSOCIATES, INC.
 161 WASHINGTON STREET
 EAST WALPOLE, MASSACHUSETTS 02032
 PROFESSIONAL LAND SURVEYORS