



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman  
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KENDALL P. BATES

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

ZBA 92-48  
Daniel J. and Elizabeth L. Berkery  
146 Cliff Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 24, 1992 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of DANIEL J. AND ELIZABETH L. BERKERY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow removal of an existing sunroom and construction of a one-story addition approximately 16 feet 10 inches by 43 feet 10 inches at their dwelling at 146 CLIFF ROAD and the corner of ALBION ROAD, in a Single Residence District. As all existing buildings on frontage of 500 feet, including the affected lot, have front yards of a greater depth than 30 feet, the minimum depth of 55 feet at 20 ALBION ROAD becomes the controlling front yard setback for the proposed addition, which would have a minimum front yard setback of 45.3 feet from ALBION ROAD.

On September 9, 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 was Elizabeth Berkery, who said that the petition was exactly the same as the one which the ZBA granted last year. The shrubbery will screen the addition from Albion Road. The foundation of the new addition will be extended toward Albion Road about one foot further than the existing sunroom.

The Board noted that the plot plan does not indicate the setback of the existing sunroom from Albion Road, so there is no way to determine how much closer the new addition will be to the Albion Road property line. The distance from the existing sunroom appears to be less than the 55 foot front setback of 20 Albion Road, so that the Berkery dwelling is presently the controlling setback for all the homes on Albion Road.

No other person present had any comment on the petition.

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Petition of Daniel J. and Elizabeth L Berkeley  
146 Cliff Road

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Statement of Facts

The subject dwelling is located at 146 Cliff Road on the corner of Albion Road in a Single Residence District, on a 27,897 square foot lot with a front setback of 51 feet 3.5 inches from Albion Road, according to the original plot plan filed with the Building Department. This 51 feet 3.5 inches is the controlling front setback from Albion Road for the homes at 10, 16 and 20 Albion Road, as the next closest dwelling is 20 Albion Road with a front yard setback of 55 feet.

The petitioners are requesting a variance to remove an existing sunporch with an existing front setback of 51 feet 3.5 inches from Albion Road and construct a one-story addition approximately 16 feet 10 inches by 43 feet 10 inches, which would reduce the front setback from Albion Road to 45.3 feet. A variance is requested as all existing buildings on a frontage of 500 feet including the affected lot have a front yard of greater depth than 30 feet. Therefore, the minimum depth of 55 feet at 20 Albion Road becomes the controlling front setback.

On July 25, 1991, the petitioners requested a variance for the same removal and construction as is presently requested. The variance was granted and time-stamped on August 9, 1991 in the office of the Town Clerk (ZBA 91-40). Pursuant to Section XXIV-D of the Zoning Bylaw, the rights authorized by a variance lapse if not exercised within one year of the date of grant. As the rights authorized by the grant of the variance dated August 9, 1991 were not exercised in a timely fashion, the petitioners have now applied for the same variance as was previously granted.

A Plot Plan dated June 13, 1991, drawn by U.M. Schiavone, Registered Professional Land Surveyor; construction drawings and elevations dated July 3, 1991, drawn by Jay Winshall; and photographs were submitted.

On September 15, 1992, the Planning Board reviewed the petition and voted to offer no comment on the request.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. The proposed addition to the subject dwelling requires a variance from the terms of Section XIX of the Zoning Bylaw as it would have less than the required 55 foot front setback from Albion Road as noted in the foregoing Statement of Facts.

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It is the opinion of this Authority that although the proposed construction will result in a decreased controlling setback for the houses at 10, 16, and 20 Abion Road, the possibility of future construction in the front yards of any of these properties is minimal, as all of these dwellings face Albion Road and have architectural integrity that would be diminished by any change in their configuration.

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 petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

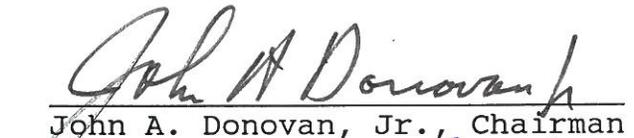
Therefore, the requested variance is granted to remove the existing sun porch and construct the proposed one-story addition subject to construction in accordance with the Plot Plan and construction drawings as submitted and described in the foregoing Statement of Facts.

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 said 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

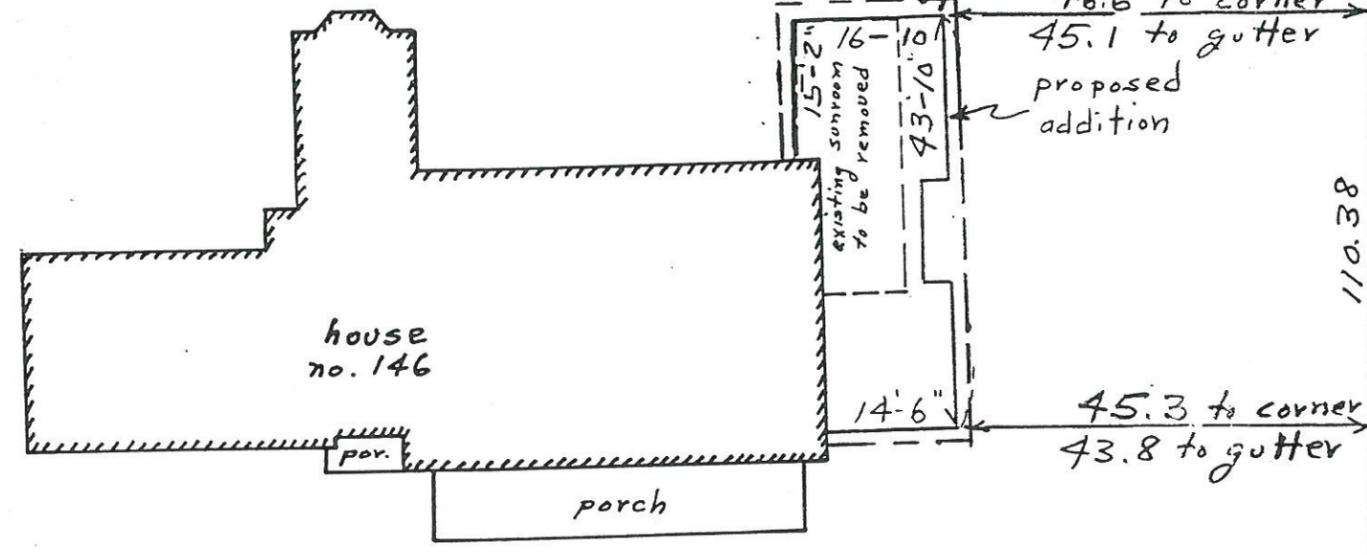
  
William E. Polletta

+X

Malcolm L. & Barbara Sherman

Lot B  
27,897 s.f.

Charles & Ruth Ellen Gordon  
177.93



Note:  
 House no. 10 Albion Road has a streetline setback of 61'  
 House no. 16 Albion Road has a streetline setback of 58'  
 House no. 20 Albion Road has a streetline setback of 55'

ROAD

ALBION

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PLAN OF LAND  
 IN

WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF  
 DANIEL J. & ELIZABETH M. BERKERY  
 146 CLIFF ROAD  
 WELLESLEY

SCALE 1 IN = 20 FT  
 U. M. SCHIAVONE  
 NEWTON LOWER FALLS

JUNE 13, 1991  
 LAND SURVEYOR  
 MASS.



*U. M. Schiavone*

Note:  
 Building coverage will be 3690<sup>±</sup> s.f. or 13.2%

CLIFF ROAD

130.00

76.23