



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 93-73

Petition of Dr. Robert and Esther Ferguson  
54 Fuller Brook Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 23, 1993 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DR. ROBERT AND ESTHER FERGUSON 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 enclosed porch and construction of a one-story addition approximately 12.4 feet by 11.6 feet, with less than the required right side yard, at their nonconforming dwelling at 54 FULLER BROOK ROAD, in a Single Residence District, with less than the required right and left side yard setbacks.

On September 7, 1993, 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 Dr. Robert Ferguson, who said he would like to demolish his existing porch, which is 7 feet by 11.6 feet, and has been there since the house was built in 1939, in order to extend the porch an additional 5 feet to make a larger four-season porch. The corner of the existing porch is 17.1 feet from the right side line. The porch extension will bring the right rear corner to 16.7 feet from the right side line, a difference of .4 of a foot.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 54 Fuller Brook Road, in a Single Residence District, on a 13,690 square foot lot, with a minimum left side yard clearance of 15.91 feet and a minimum right side yard clearance of 17.1 feet.

The petitioners are requesting a variance to demolish an existing enclosed 7.4 foot by 11.6 foot porch and construct a new one-story four season porch approximately 12.4 feet by 11.6 feet which will have a minimum right side yard clearance of 16.7 feet.

A Plot Plan dated September 1, 1993, drawn by George N. Giunta, Registered Land Surveyor; a Floor plan and elevations; and photographs were submitted.

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On September 14, 1993, the Planning Board reviewed the petition and voted to recommend approval of the request.

Decision

This Authority has made a careful study of the materials submitted and the information provided at the hearing. The subject dwelling 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 one-story addition conforms to the existing lines of the house, and that the additional encroachment of .4 of a foot on the right side line, due to the convergence of the right side property line with the existing line of the house, is de minimus and can be allowed.

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.

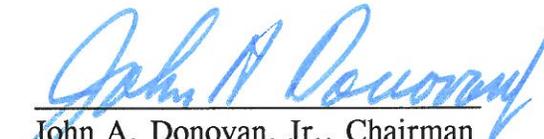
Therefore, the requested variance is granted for the demolition and construction of the four-season porch subject to construction in accordance with the submitted plot plan and construction sketches.

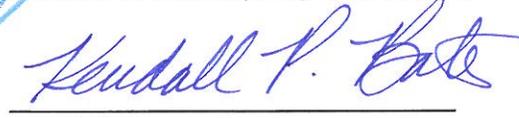
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and detailed construction plans.

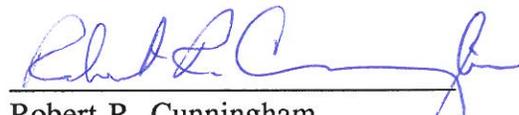
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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  
edg Inspector of Buildings

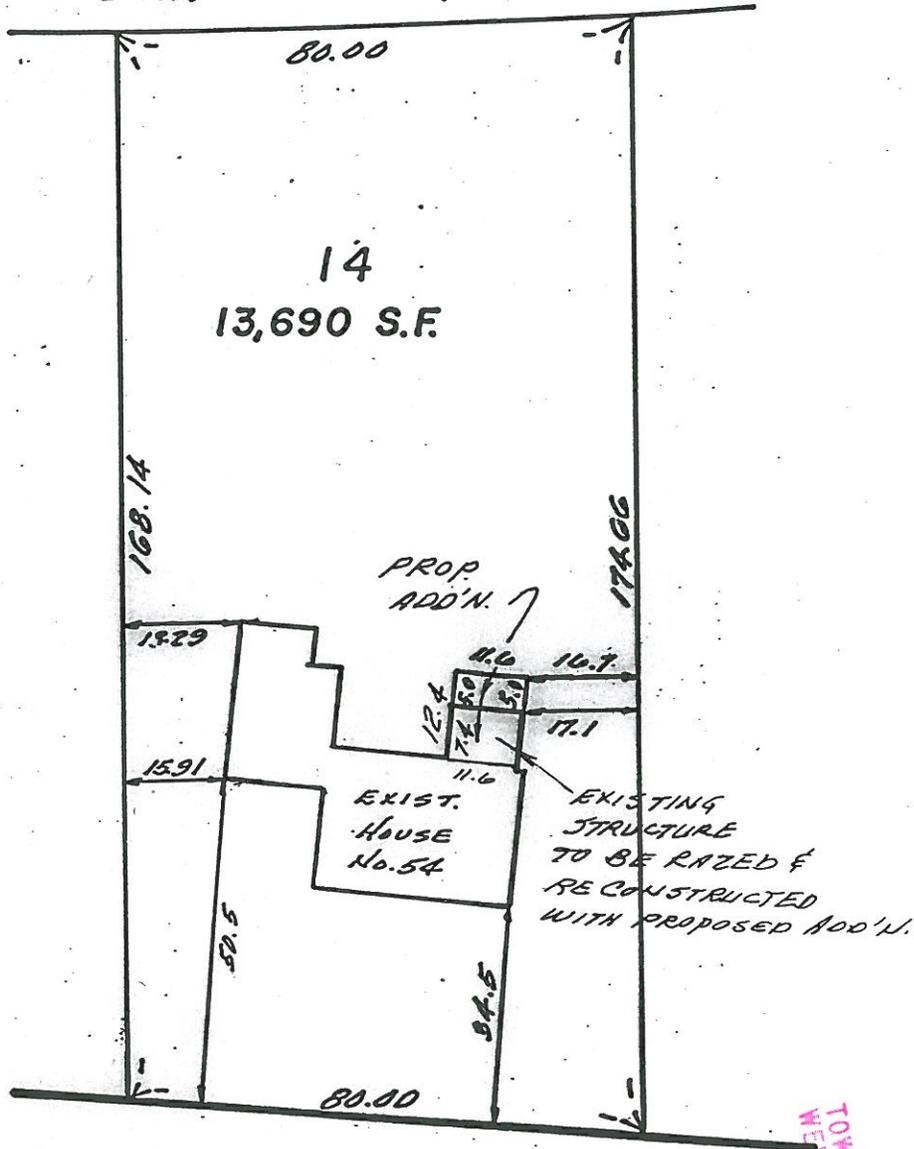
  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert R. Cunningham

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COMMONWEALTH OF MASS.



FULLER BROOK RD.

PLOT PLAN OF LAND  
IN

WELLESLEY — MASS.

SEPT. 1, 1993

SCALE 1" = 30'

NEEDHAM SURVEY ASSOCIATES, INC.  
281 CHESTNUT ST  
NEEDHAM, MASS.

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WELLESLEY, MA 02181

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