



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-47
Petition of Noel A. Redford
58 Cottage Street

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Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, July 28, 1994 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 NOEL A. REDFORD requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to construct a two-story addition approximately 23.5 feet by 5.5 feet at the rear of her nonconforming dwelling, with less than the required right side yard, at 58 COTTAGE STREET, in a Single Residence District and an Historic District. Said addition will have less than the required right side yard setback.

A Finding is also requested pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of the existing porch and corners of the existing deck, and construction of the proposed addition, resulting in a nonconforming lot coverage of 25.8%, shall not be more detrimental to the neighborhood than the existing nonconforming lot coverage of 26%.

On July 11, 1994, the petitioner filed a request for 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 Noel Redford, who was accompanied by Fred Connolly, and Sam Streibert, her architect. Ms. Redford said that the Historic District Commission had approved the plan, with the addition of a canopy over the back door entrance.

Ms. Redford stated that the house has always had structural and flow problems. There are many different roof heights which have created water problems over the years due to a lack of a good drainage system. On the second floor, the only access from the front to the rear is through the only bathroom, as there is no hallway. The house is nonconforming on the right side, and the addition will extend the existing line of the house on that side. The right side abutters are in full support of the petition.

Ms. Redford explained that the existing porch and a portion of the deck would be removed in order to reduce the lot coverage from 26% to 25.8%. The remainder of the deck will be incorporated into the house as a breakfast area.

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No other person present had any comment on the petition.

Statement of Fact

The subject nonconforming property is located at 58 Cottage Street, on a 8,752 square foot lot, in a Single Residence District and an Historic District. The property has a minimum right side yard clearance of 6.2 feet, and a nonconforming lot coverage of 26%.

The petitioner is requesting a variance to construct a two-story addition approximately 5.5 feet by 23.5 feet, at the rear of the dwelling, which would have a minimum right side yard clearance of 10.5 feet.

A Finding is also requested that the proposed nonconforming lot coverage of 25.8% would not be substantially more detrimental to the neighborhood than the existing nonconforming lot coverage of 26%. To achieve the reduced lot coverage, the existing right side porch and portions of the existing deck would be removed, which cover more of the lot than the proposed addition.

A plot plan dated June 27, 1994, drawn by Fred J. Scalse, Registered Land Surveyor; Floor plans and Elevations dated June 22, 1994, drawn by Streibert Associates, Architects; and photographs were submitted.

On July 7, 1994, the Historic District Commission held a Public Hearing on the petitioner's request for a Certificate of Appropriateness for the proposed changes to the dwelling. The Commission voted unanimously to approve the Certificate of Appropriateness with the condition that a canopy structure be added over the back door on the east facade.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Fact.

It is the opinion of this Authority that the proposed two-story addition conforms to the present line of the house and does not alter the relationship of the house to the right side lot line.

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 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.

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Therefore, the requested variance is granted for the construction of the two-story addition, subject to construction in accordance with the plot plan and the construction drawings as submitted, with the addition of the canopy approved by the Historic District Commission.

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.

This Authority finds that the proposed nonconforming lot coverage of 25.8% will not be substantially more detrimental to the neighborhood than the existing nonconforming lot coverage of 26% as a concerted effort has been made to minimize the existing nonconformity by eliminating the existing porch and portions of the existing deck.

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.

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.

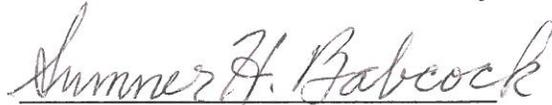
cc: Planning Board
Historic District Commission
Inspector of Buildings
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Kendall P. Bates, Acting Chairman



Robert R. Cunningham



Sumner H. Babcock

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