



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

Aug 9 10:25 AM '94
TOWN ENGINEERING OFFICE
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SUMNER H. BABCOCK

ZBA 94-49
Petition of C. Douglas and Linda C. Woodacre
98 Brook Street

Pursuant to due notice, the 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 C. DOUGLAS AND LINDA C. WOODACRE 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 15.9 feet by 32.5 feet with less than the required front setback at their nonconforming dwelling, with less than the required front setback at 98 BROOK STREET, in a Single Residence District.

On July 11, 1994, the petitioners 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 were Douglas and Linda Woodacre. Mrs. Woodacre said that their family has expanded from one to three children since they bought the house, and that they are in need of more living space. The addition will create eating and living space on the first floor and an extra bedroom and bath on the second floor.

Mr. Woodacre said that they would like to stretch the front of the house 15 feet to the right and keep the same appearance on the front facade. The right side yard will still have a setback of about 26 feet. Mrs. Woodacre submitted letters of support from John E. Woodacre, 100 Brook Street; and from John M. Costello, 2 Woodbridge Road.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located on a 19,561.5 square foot lot, at 98 Brook Street, in a Single Residence District, and has a minimum left side yard clearance of 10.57 feet and a minimum front clearance of 21.94 feet.

The petitioners are requesting a variance to construct a two-story addition approximately 15.9 feet by 32.5 feet which will have a minimum front yard clearance of 23.64 feet.

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A plot plan dated June 27, 1994, drawn by Verne T. Porter, Registered Professional Land Surveyor; Floor plans and Elevations dated June 17, 1994, drawn by Pamela Reiser Design; and photographs were submitted.

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 Facts.

It is the opinion of this Authority that the proposed two-story addition conforms to the present lines of the house and does not alter the relationship of the house to the front 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 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 subject to construction in conformance with the submitted plot plan and construction sketches.

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.

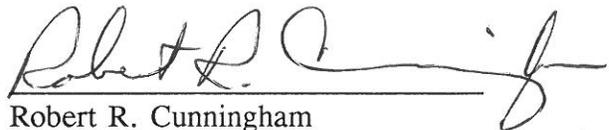
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

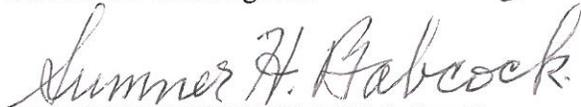
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman



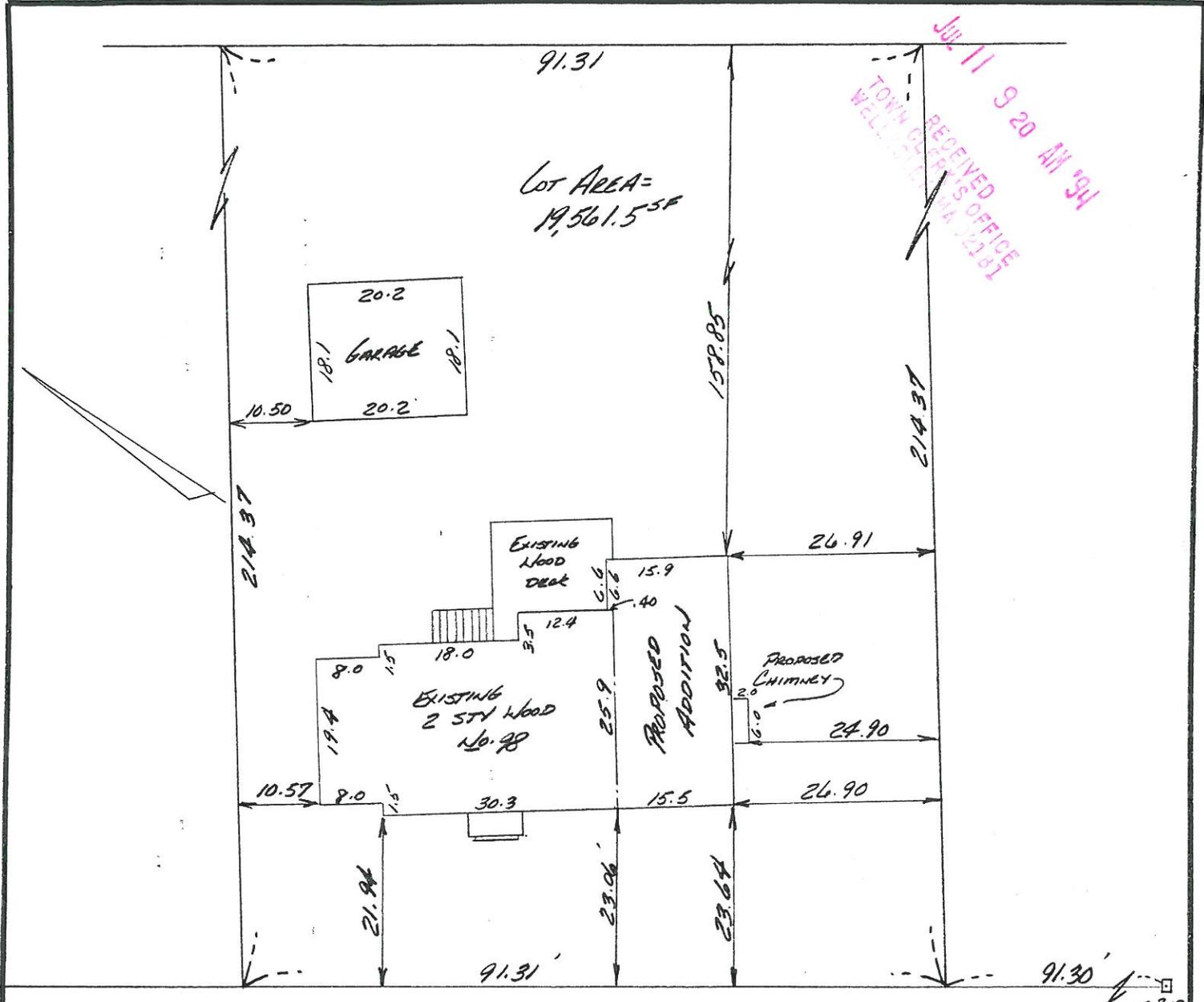
Robert R. Cunningham



Sumner H. Babcock

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LOT AREA =
19,561.5 SF



BROOK STREET

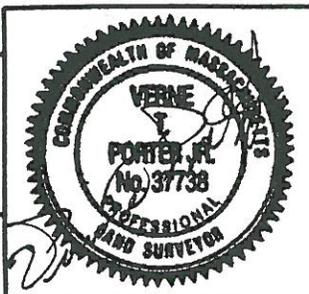
PLOT PLAN

SCALE: 1 IN. = 20' FT. DATE: 6-27-94 PLAN REFERENCE: BEING LOT SHOWN ON A PLAN BY R. J. FARNOM, CE. DATED August, 1921 RECORDED IN NORFOLK REGISTRY OF DEEDS DEQUAM BOOK 1496, PAGE 179

I HEREBY CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN, AND CONFORMS TO THE ZONING LAWS OF THE TOWN OF WELLESLEY

I CERTIFY THAT THIS LOCUS DOES NOT LIE WITHIN THE FLOOD HAZARD ZONE AS DELINEATED ON MAP 005B COMMUNITY 250255 005B

98 Brook St
VERNE T. PORTER PE, RLS
292 LANGLEY RD.
NEWTON CENTER, MA 02159



THIS PLAN MADE FROM AN INSTRUMENT SURVEY.

VTP ASSOCIATES 965-4870
NEWTON, MA 02159 332-8271