



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

JOHN A. DONOVAN
KENDALL P. BATES
WILLIAM E. POLLETTA

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

SUMNER H. BARCOCK
ROBERT A. BASTILLE
CYNTHIA S. HIBBARD

ZBA 98-68

Petition of Daniel C. and Julie J. Kenary
42 Chatham Circle

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 20, 1998, at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DANIEL C. AND JULIE J. KENARY 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 front landing and construction of a new 12 foot by 6 foot roofed front landing which will exceed the allowed area of 50 square feet, and will have less than the required front setback from CHATHAM CIRCLE, whereas within a distance of 500 feet, the closest front setback is 41 feet at 34 CHATHAM CIRCLE, at their conforming dwelling at 42 CHATHAM CIRCLE, in a Single Residence District.

On August 3, 1998, 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 was Julie Kenary, who was accompanied by her architect, John Chapman. Mrs. Kenary said she was asking permission to build a new front portico. Her home has an unusual front entrance in that it is a three-sided bow. The existing front landing is 5 feet by 10 feet. However, the bow actually occupies part of that 50 square feet, so there is less of a usable landing than normal. This unusual feature presents a safety problem because the front door, as it swings out, does not clear the front landing, which results in the person seeking entry having to back up to a lower stair. They would like to expand the depth of the landing to 6 feet and the width to 12 feet for this reason. The landing would be roofed to protect from ice and rain.

The Board asked if the project simply involved building a porch over the existing landing. Mrs. Kenary said that the front entrance would remain, but the landing, which is in disrepair, would be replaced.

The Board stated that if the variance was granted, it would be with the condition that the roofed landing never be enclosed. Mrs. Kenary agreed to the condition.

Joan Hugenberger, 55 Fox Hill Road, questioned the impact of granting the variance on the neighborhood. In regard to the safety issue, she said the house has had the same front entrance for 60 years. She asked if the setback is changed 6 feet, would the abutting house be able to come forward 12 feet. She was concerned that this would lead to an increase in

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1998 SEP -8 A 8:50

ZBA 98-68
Petition of Daniel C. and Julie J. Kenary
42 Chatham Circle

the size of the houses on the circle. Although 1 foot appears to be minimal, the total effect might be creating an unwanted precedent.

The Board was of the opinion that the intent of the zoning regulation was to be applied to homes on a straight street, so that one house would not be noticeably out of line with others on the street, rather than to a circle, where the front setbacks are not as obvious.

Harriet Warsaw, 39 Chatham Circle, and Ellen Jones-Kaufmann, 28 Chatham Circle, expressed support for the petition.

Statement of Facts

The subject property is located at 42 Chatham Circle, in a Single Residence District, on a 21,031 square foot lot, with a front setback of 37.3 feet from the closest front corner of the dwelling.

The petitioners are requesting a variance to allow demolition of an existing conforming front landing, and construction of a 6 foot by 12 foot roofed front landing which will exceed the allowed area of 50 square feet and will have a nonconforming setback of 31.8 feet, as within a distance of 500 feet, the closest front setback is 41 feet at 34 Chatham Circle.

A Plot Plan dated July 15, 1998, drawn by Robert F. Drake, Registered Professional Land Surveyor; Floor Plan and Front & Side Elevation dated July 16, 1998, drawn by John Chapman, Architect; and photographs were submitted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling conforms to the current Zoning Bylaw and provides the front setback at 37.3 feet for all properties within a distance of 500 feet.

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, as voted unanimously by this Authority at the Public Hearing, to demolish the existing front landing and construct a new roofed 6 foot by 12 foot landing, with a front setback of 31.8 feet, subject to construction in accordance with the submitted plot plan and construction drawings, and further subject to the condition that said 72 square foot roofed landing shall never be enclosed.

RECEIVED
TOWN CLERK'S OFFICE
MILFORD, MA 02181
SEP 8 A 8:50

ZBA 98-68
Petition of Daniel C. and Julie J. Kenary
42 Chatham Circle

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

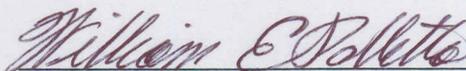
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman

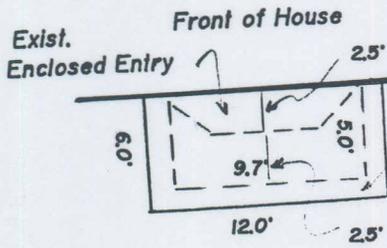


William E. Polletta

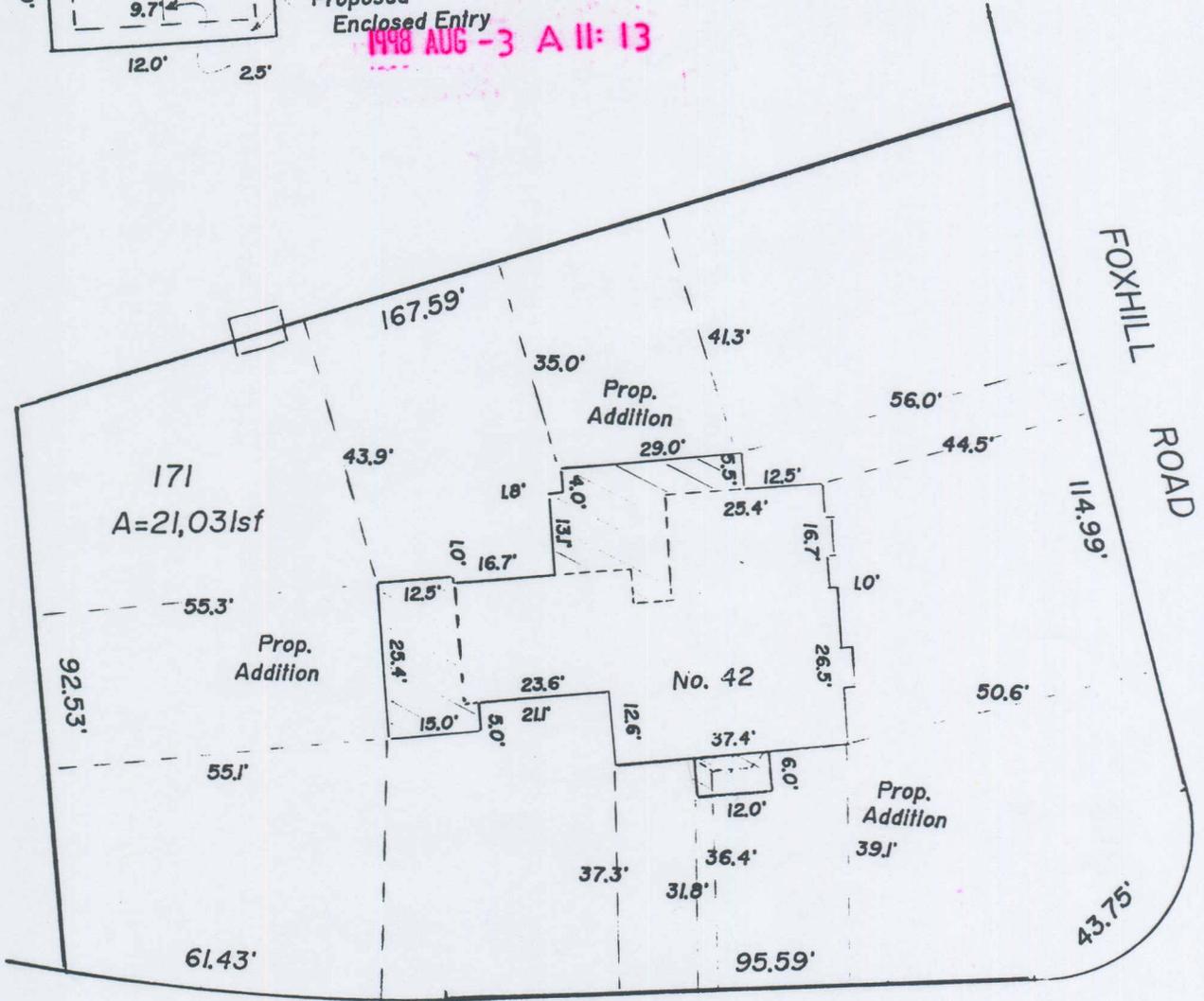


Robert A. Bastille

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1998 SEP - 8 A 8: 50



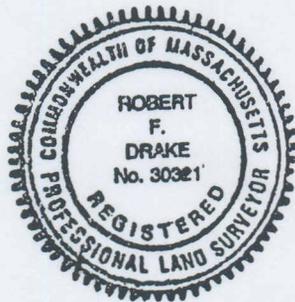
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1998 AUG -3 A 11: 13



CHATHAM CIRCLE

ABUTTING STREET SETBACK NOTES

HSE NO.	CLOSEST ST. SETBACK
34	41'
28	43'
22	50'



PLOT PLAN
IN

WELLESLEY, MASS.

SCALE 1' = 30' JULY 15, 1998

Drake Associates Inc.

CIVIL ENGINEERS LAND SURVEYORS
770 GROVE STREET FRAMINGHAM MASS.

I CERTIFY THAT THE BUILDING(S) ARE
LOCATED ON THE GROUND AS SHOWN HEREON

[Signature]
ROBERT F. DRAKE PLS 30321