

**ZONING BOARD OF APPEALS**

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

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ZBA 98-80

Petition of Michael P. and Sharon R. Kiernan
12 Martin Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 24, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MICHAEL P. AND SHARON R. KIERNAN 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 nonconforming one-story screened porch and construction of a one-story 9 foot by 19.5 foot addition, with less than the required left side yard setback, at their nonconforming dwelling with less than the required front, right and left side yard setbacks, at 12 MARTIN ROAD, in a Single Residence District.

On September 4, 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 Sharon Kiernan, who said that they have a three bedroom colonial home with a nonconforming 6.9 foot by 13.8 foot screened porch. They would like to add an additional 2 feet 3 inches on the side and go back 5 feet 9 inches.

Mrs. Kiernan said that they had planned to use the playroom in the basement, but they were flooded, and the room is no longer usable for that purpose. They would like to convert to screened porch into a playroom, but need to expand it. Their contractor has said that with the reframing of the outside wall, insulation and reframing the inside wall, plus an existing fireplace that protrudes two feet into the porch, the result would not be worth the cost with the existing dimensions.

Mrs. Kiernan explained that the addition will be 4.7 feet from the property line, but will be screened by woods. The rear of the lot is back sloping, which probably causes the water problem. There is a retaining wall and bedrock as well as surface rock, which restricts building in the back. None of the neighbors have any problem with the plan.

The Board stated that it does not generally allow a variance of this type, but there are definite constraints on the lot due to the ledge and the slope, making it a difficult site on which to build.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 12 Martin Road, in a Single Residence District, on a 7,295 square foot lot, and has a minimum front yard clearance of 29.3 feet, a minimum right side yard clearance of 15.3 feet and a minimum left side yard clearance of 7.8 feet.

The petitioners are requesting a variance to demolish the existing nonconforming 6.9 foot by 13.8 foot screened porch and construct a one-story 19.5 foot by 9 foot addition, which will have a minimum left side yard clearance of 4.7 feet from the left rear corner.

A Plot Plan dated August 21, 1998, drawn by George N. Giunta, Registered Land Surveyor; Floor Plans and Elevations dated August 29, 1998; and photographs were submitted.

A letter in support of the petition, dated August 31, 1998, from Isabel Murphy, 10 Martin Road, was also submitted.

On September 14, 1998, the Planning Board reviewed the petition and voted to offer no comment on the petition.

Decision

This Authority has made a careful study of the materials 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 because of the shape of the lot, the topography of the lot and the soil conditions present 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 porch and construct the one-story addition, subject to construction in accordance with the submitted plot plan and construction drawings.

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

If the rights authorized by this variance are not exercised within a 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.

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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.

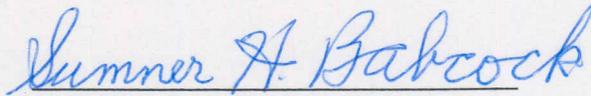
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman



William E. Polletta

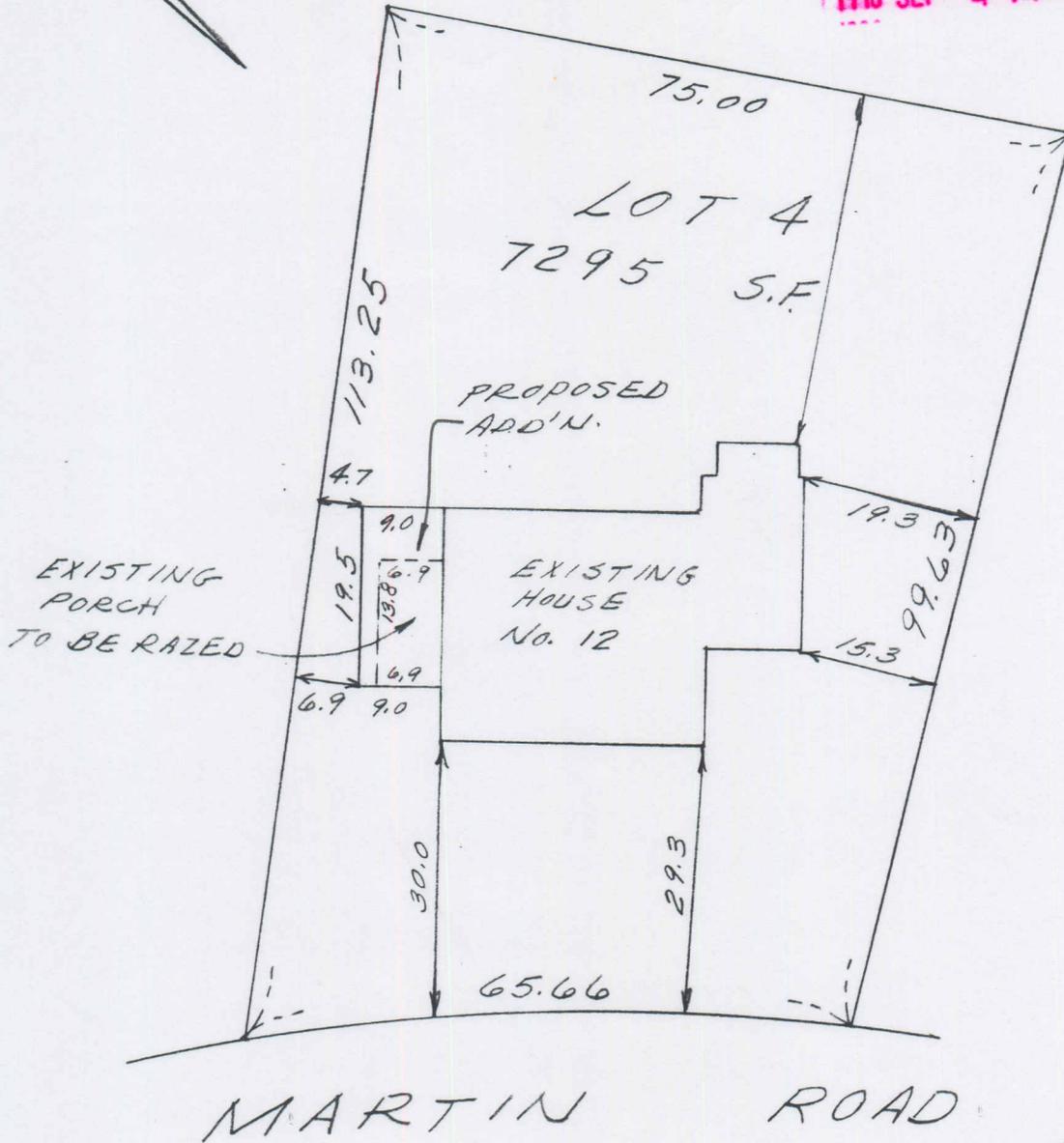


Sumner H. Babcock

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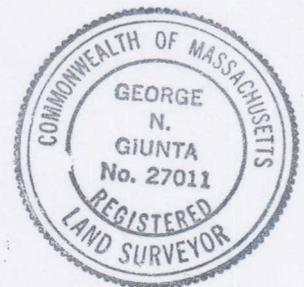
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PLOT PLAN OF LAND
WELLESLEY----MASS.

AUG. 21, 1998 SCALE 1"=20 '
NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT STREET
NEEDHAM, MA. 02192



Existing Lot Cov. = 14.17%
Proposed Lot Cov. = 13.10 %