

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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1999 DEC -1 A 8:12

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ZBA 99-82

Petition of Richard A. and Viola H. Morse
15 Homestead Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 16, 1999 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 RICHARD A. AND VIOLA H. MORSE 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 one-story addition 6 feet by 26.6 feet with less than the required right side yard setback, at their nonconforming dwelling with less than the required front and right side yard setbacks, at 15 HOMESTEAD ROAD, in a Single Residence District.

On November 1, 1999, 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 Richard Morse, who was accompanied by his architect, Sam Streibert. Mr. Morse said that the house was built about 1917 and the kitchen was last renovated in the 1950's. The kitchen is small and isolated from the living area of the house. They would like to extend it and make it more functional. They would like to replace the multiple protrusions at the rear of the house with one structure which will not extend any further into the rear yard than the furthest protrusion. The neighbors have been contacted and have no objection to the addition.

Mr. Streibert said that the project is a modest kitchen addition. The house is not only nonconforming on the right side, but is not parallel to the right side lot line. As a result, a small triangle of the addition will be more nonconforming, although the addition is simply an extension of the existing line of the house. No deck is planned. Egress from the back of the house will be onto a patio.

The Board noted that the Planning Board had no objection to the petition.

No other person present had any comment on the petition.

Statement of Fact

The subject property is located at 15 Homestead Road, in a Single Residence District, on an 8,000 square foot lot, with a minimum front yard clearance of 24.3 feet and a minimum right side yard clearance of 10.8 feet.

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The petitioners are requesting a variance to construct a one-story 6 foot by 26.6 foot addition at the rear of their dwelling, which would have a minimum right side yard clearance of 10.5 feet.

A Plot Plan dated October 15, 1999, drawn by Bruce Bradford, Registered Professional Land Surveyor; Floor Plans and Elevations dated October 15, 1999, drawn by Steibert Associates, Architects; and photographs were submitted.

On November 3, 1999, the Planning Board reviewed the petition and expressed no objection.

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 with 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 present lines of the house and that the additional encroachment of .3 feet is de minimus.

It is the further 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, for 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 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

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Kendall P. Bates, Chairman


William E. Polletta


Richard L. Seegel

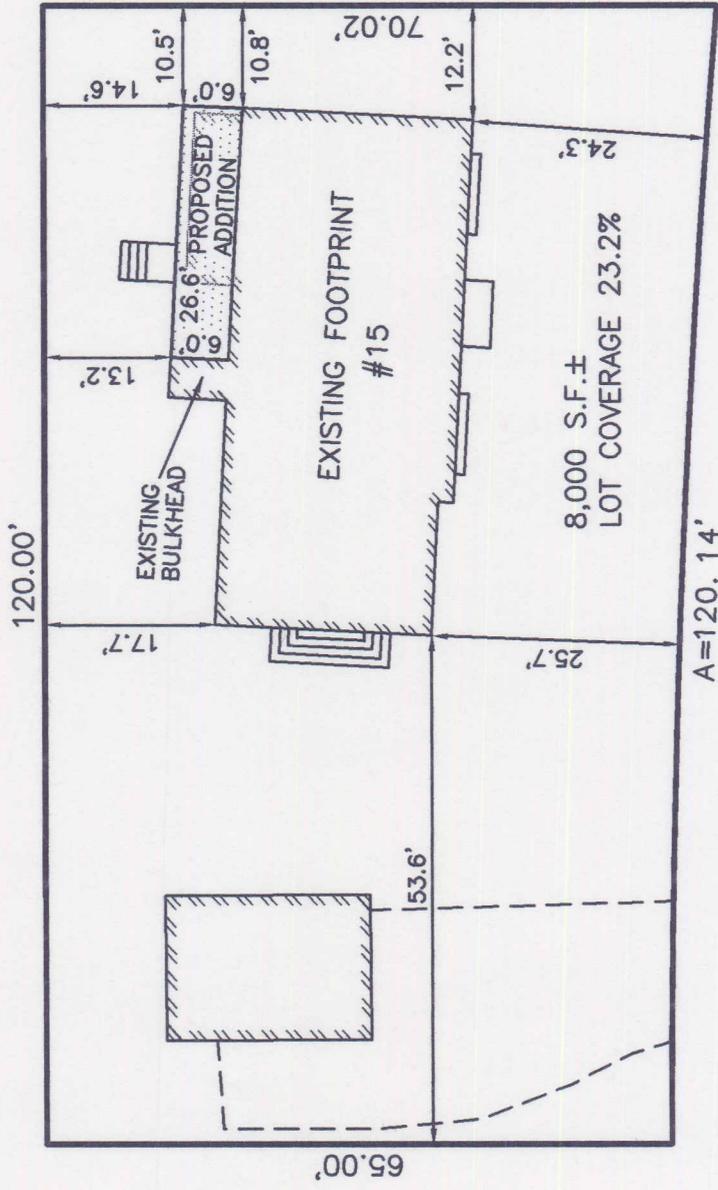
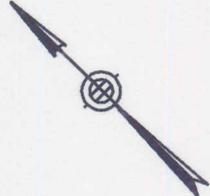
PLAN OF LAND IN
WELLESLEY, MA.

15 HOMESTEAD ROAD

SCALE 1 IN. = 20 FT
OCTOBER 15, 1999



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BROOKS
COMPANY
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49 LEXINGTON STREET
WEST NEWTON MA 02465
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PROJECT NO. 19875



HOMESTEAD ROAD