



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 86-45
Petition of Beverly Larson
24 Linden Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 24, 1986 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition BEVERLY A. LARSON requesting a variance from the terms of Section XVII and pursuant to Section IV and Section XXIV-D of the Zoning Bylaw to allow the construction of three additions to the pre-existing non-conforming four-family dwelling at 24 LINDEN STREET in a General Residence, said additions representing an increase in the floor area in excess of 10% of the floor area of the existing building.

On July 1, 1986 the petitioner requested 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 Beverly Larson, who asked permission to construct additions to make the house more liveable. It would remain a four-family dwelling. Frank Selner, who resides in a first floor apartment, answered questions about the floor plans. Beverly Larson presented an addendum to clarify the wording of her application.

No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 24 Linden Street, at the corner of Curve Street, containing 20,500 square feet of land, in a General Residence District.

The dwelling is a non-conforming four-family dwelling occupied by four families prior to the enactment of the Zoning Bylaw in 1925 and the use has continued since that time.

The Zoning Board of Appeals granted permission to Gerald V. Whelan in 1955 (ZBA 55-36) to alter the non-conforming dwelling by converting an existing porch into a permanent room and constructing a room above.

Beverly Larson, the current owner of the property who resides in an apartment in part of the first and second floors, wishes to construct three one-story additions to the structure to create additional living space in her apartment: 1) a 14.6 foot by 21.6 foot addition at the northeasterly corner of the house totalling 319 square feet; 2) an addition at the northerly side of the building totalling 377 square feet; 3) an addition at the southerly side totalling 133 square feet. A variance is requested pursuant to Section XVII of the Zoning Bylaws to allow addi-

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tions of 829 square feet which would constitute an increase in the floor area of the building in excess of 10%, or 12.7%. The existing square footage of the building is 6,515. The additions would create an expanded kitchen, living room and study. Alterations would be made to the other apartment located on the first floor which includes a kitchenette, study-living-bedroom and bath.

A Plot Plan was presented, drawn by George Giunta, Needham, Registered Land Surveyor, dated May 5, 1986. Construction sketches and photos were also presented.

A letter was received, signed by William J. Toy, 31 Curve Street, Alice C. Foster, 59 Crest Road, and Carol and Thomas McMahon, 65 Crest Road, dated July 23, 1986, expressing opposition to the variance request.

~~The Planning Board, at its regular meeting of July 8, 1986 and as stated in a letter of July 14, 1986 to the ZBA, voted to recommend that the expansion of the building floor area be limited to 10% of the existing floor area.~~

Decision

This Authority has made a careful study of the evidence presented. The dwelling in question existed and was in use as a four-family dwelling prior to the enactment of the Zoning Bylaws in 1925.

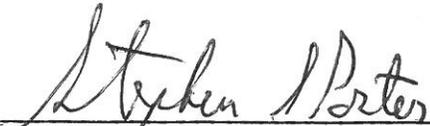
The petitioner proposes additions which would increase the floor area of the building by 12.7%, the limit being 10% according to Section XVII of the Zoning Bylaw. It is the opinion of this Authority that the additional 2.7% of floor area proposed will not have a substantial impact on the area. All setback requirements will be met. The total lot coverage of the building is 14.6%, well below the zoning requirement of 25%.

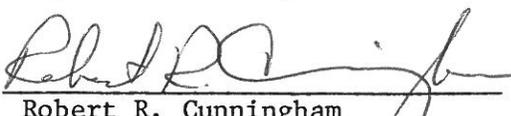
Therefore, this Board finds that a literal enforcement of the provisions of Section XVII of the Zoning Bylaw would involve a substantial hardship to the petitioner, and that the proposed additions at 24 Linden Street shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

A variance is hereby granted to allow the proposed additions as shown in the Plot Plan by George Giunta, Registered Land Surveyor, dated May 5, 1986.

The Building Inspector is hereby authorized to issue a permit for the construction upon receipt and approval of a building application.

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.


Stephen S. Porter, Chairman


Robert R. Cunningham


William E. Polletta

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TOWN CLERK'S OFFICE
TOWN OF NEEDHAM, MASS.

cc: Planning Board
Inspector of Buildings

