77-58

TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

FRANCIS L. SWIFT, Chairman
HENRY H. THAYER
WILLIAM O. HEWETT
WILLIAM E. POLLETTA
WILLIAM F. CULLINANE
FRANKLIN P. PARKER

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of Soterios Diamond

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on December 15, 1977, on the appeal of Soterios Diamond, from the refusal of the Inspector of Buildings to issue a permit to complete the enclosure of the porch on the front of the dwelling at 8-10 Donazette Street, owned by Soterios Diamond, Lee and Peter Diamond, et al.

The Reason for such refusal was that said porch stands less than the required thirty feet from the street line and the enclosure of said porch would be in violation of Section XIX of the Zoning By-law.

On November 15, 1977, the Inspector of Buildings notified the appellant in writing that a permit could not be issued for the work under construction as it did not comply with the front yard requirement.

On November 23, 1977, the appellant took an appeal from such refusal and thereafter due notice of the hearing was given by mailing and publication.

Soterios Diamond spoke in support of the appeal at the hearing.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house is a non-conforming two-family dwelling which was built in 1913, prior to the enactment of the front yard requirement, on a lot containing 20,196 square feet.

At the hearing Mr. Diamond stated that there is a direct entrance to the dining room from the porch which makes the front living space in the house cold, drafty and almost unlivable. For this reason he decided to enclose the existing porch on the side involved so that it could serve as a storm entrance and to enclose the remaining portion of the porch with thermopane windows. He explained that he did not realize a permit was required and that it was not until he was informed by the Building Inspector on October 19, 1977, when he placed a "stop work" order on the work that he was in violation of the Zoning By-law as well. He further explained that he did not extend the porch, and he urged the Board to allow him to complete the remaining unfinished portion of the work. In his opinion, it will not only make the house more comfortable but it will improve its appearance; otherwise he feels that undue hardship will result both to him and the property.

A plot plan was submitted, drawn by John Thomas Yunits, Land Surveyor, dated October 12, 1972, which showed the location of the house on the lot.

It is the unanimous opinion of this Board, after viewing the premises, that the request to reverse the refusal of the Building Inspector to issue a permit should be granted, and unless relief is granted which will allow the remaining portion of the porch to be enclosed, substantial hardship will result.

It is the further opinion of this Board, that there is a need for the enclosure of that portion of the porch involved, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, without condoning the apparent lack of knowledge on the part of the owner as well as the builder that a permit was required under the Building Code to perform such construction and that a thirty-foot front yard was required under the Zoning B y-law, the Board grants the requested variance and the Inspector of Buildings is hereby directed to issue a permit for the completion of the enclosure of the porch as shown on the plot plan submitted and on file with this Board.

Francis L. Swift

William O. Hewett

William F. Cullinane

Filed with Town Clerk _____

RECEIVED
TOWN CLERK'S OFFICE
WESTFIELD, MASS.
FEB 9 3 03 PM '70

Copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.
Nov 30 4 42 PM '77

SURVEY RECORD

For Addition → 18277

Permit No. .....

Street Donazette No. 8/10

Builder Steve Vramas

Address Acropolis Const. Malden

Owner Peter & Soterios Diamond

Address 8/10 Donazette St.

Building dimensions 4.5'x18' Enclosure
18.5'x20' Addit.

Distances:
Adjoining Bldgs. Left 55.75'± Right 58.'

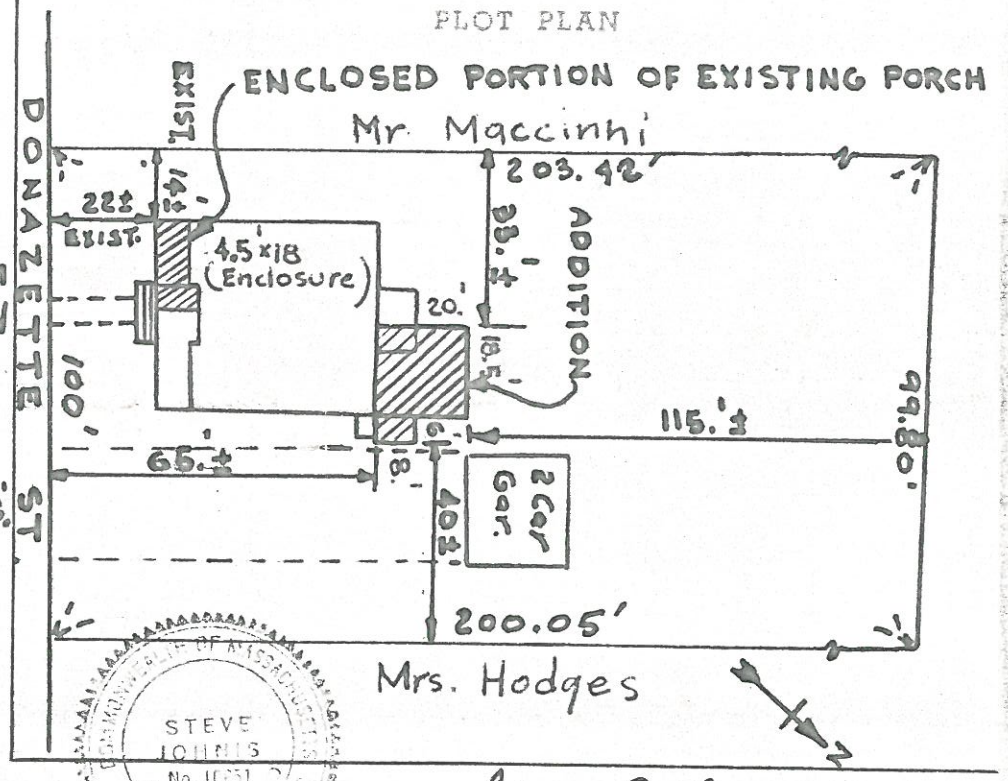
Center of street 45.5'±

Front Yard 22'± Rear Yard 195'±

Side Yard 14'± Side Yard 40'±

Area of Lot 20,196 sq. Ft.

PLOT PLAN



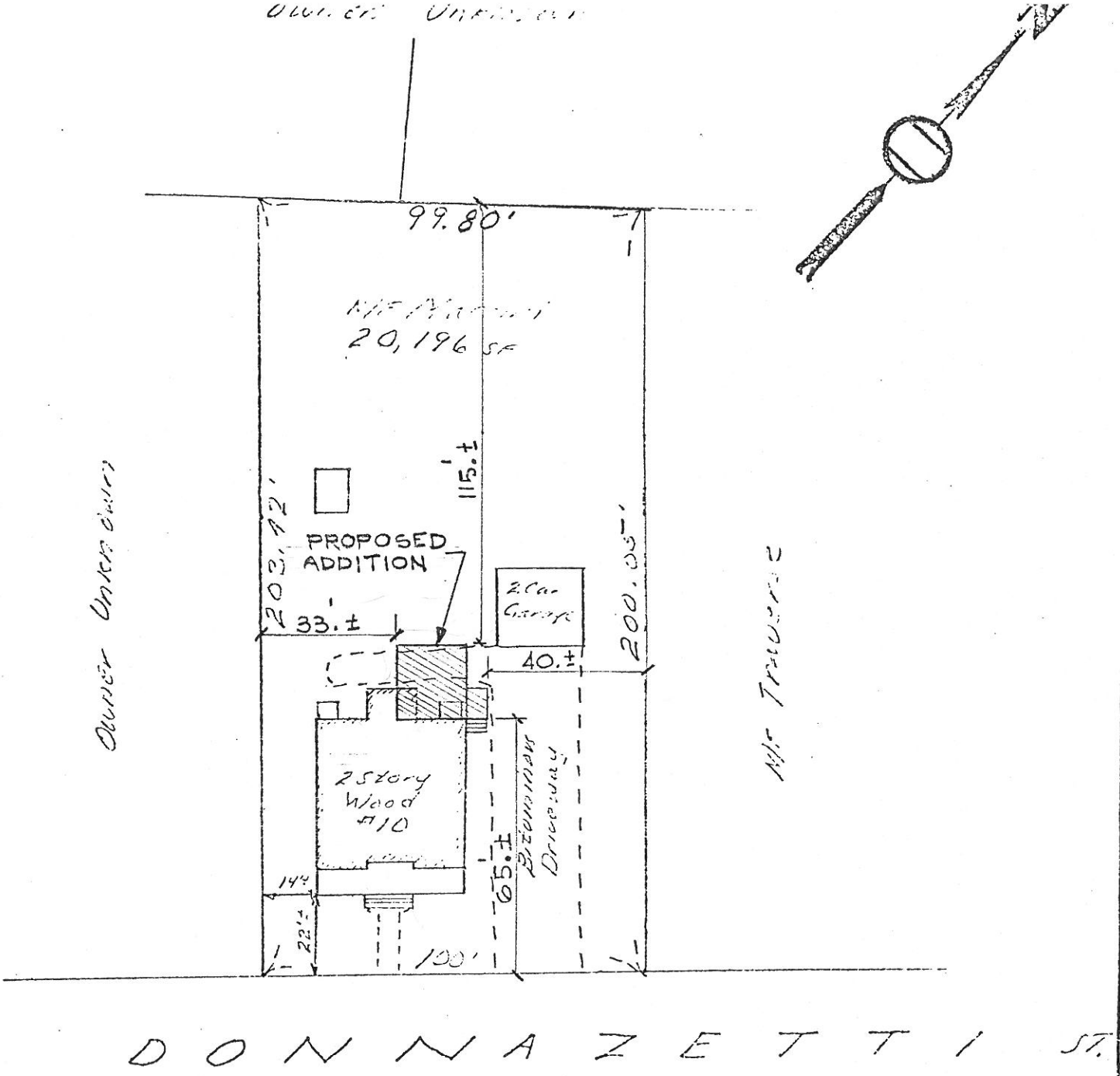
COMPLETE INSTRUCTIONS ON REVERSE SIDE OF DUPLICATE COPY

ORIGINAL

Signed By: Steve Johnis Mass 10851
Registered Engineer or Surveyor

Date Nov. 26, 1977

Address 245 RIDGE ST. WINCHESTER



MORTGAGE PLOT PLAN OF PROPERTY

in Wellesley, Norfolk County, Mass.
Owned by Mrs. Peter Deamind
Scale: 1" = 40'
Date: October 12, 1972
Book No. 3503
Page No. 357
L.C. Cert. No.

I hereby certify that the building or buildings and lot lines shown on this plan are approximately located on the ground as shown hereon and that they conformed to the Zoning and Building Laws of the Town of Wellesley when constructed and to restrictions on record.

By John T. Yunits

YUNITS ENGINEERING CO. INC
Registered Engineers and Land Surveyors
Holbrook, Massachusetts 02343

COMMONWEALTH OF MASSACHUSETTS
JOHN THOMAS YUNITS
REGISTERED LAND SURVEYOR

Field Book 94 Page 101 File No