



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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81.52

Petition of Timothy P. and Elizabeth Graham

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, September 30, 1981 at 8 p.m. on the Petition of Timothy P. and Elizabeth Graham, requesting a Variance from the terms of Section XIX which will allow an addition to their dwelling at 15 Marshall Road, including an extension 12' x 15' which would leave less than the required twenty foot side yard, and a 18' x 16' porch on the rear of the dwelling. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On September 2, 1981, the petitioner filed for a hearing before this Board and thereafter notice was given of the hearing by mailing and publication.

Present at the hearing and speaking on behalf of the request was Timothy Graham. He stated that he is requesting a Variance from Section XIX in order to construct an addition 12' x 15' to extend their kitchen. They also plan to construct a 18' x 16' porch on the rear of their dwelling. He stated that the addition could not be constructed in the rear because of ledge and a hill, and the proposed addition would balance the house aesthetically. John F. and Corinne L. Moran, 19 Marshall Road, abutters to the Graham property on the side of the potential encroachment, wrote a letter objecting to the requested variance.

No one else was present at the hearing speaking in favor or in opposition to the petition.

Statement of Facts

The property involved is located in a Single Residence District. The locus, 15 Marshall Road, is comprised of 12,329 square feet.

The petitioner seeks a variance to add a 12' x 15' extension to their kitchen at the left side of their dwelling, which would extend to 17.75 feet from the side lot line, the required distance being twenty feet.

A Plot Plan was submitted, drawn by Alexander Crucioli, Registered Land Surveyor, of Acres-Engineers, Surveyors, Inc., 57 Winthrop Road, Chelsea, Ma. Construction plans, dated May 14, 1981, were submitted by Samuel Scott, Architect, Wellesley.

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John F. and Corinne L. Moran, 19 Marshall Road, abutters to the Graham property, submitted a Certified letter dated September 16, 1981, objecting to the requested variance.

The Planning Board, in a letter dated September 24, 1981, stated it does not believe the zoning requirements cause a hardship for the above mentioned lot.

Decision

This Authority has made a careful study of the evidence submitted and at least one member has viewed the locus.

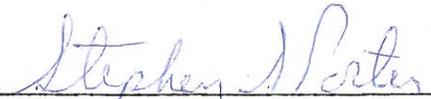
Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

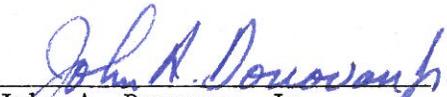
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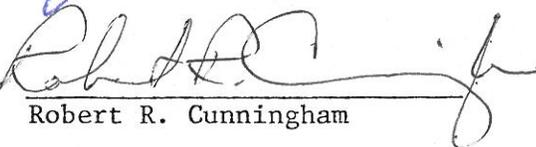
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to 1) soil conditions, ii) shape, or iii) topography of such land or structures, AND
- b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D.

Therefore, it is the unanimous opinion of this Authority that this request for a Variance be denied, and this petition is dismissed.


Stephen S. Porter, Chairman


John A. Donovan, Jr.


Robert R. Cunningham

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