


 ZONING BOARD OF APPEALS
 TOWN HALL WELLESLEY, MA 02181

OCT 30 11 38 AM '81

 STEPHEN S. PORTER, Chairman
 JOHN A. DONOVAN, JR.
 ROBERT R. CUNNINGHAM

 MARY ANN McDOUGALL
 Executive Secretary
 Telephone
 235-1664

 WILLIAM E. POLLETTA
 FRANKLIN P. PARKER
 SUMNER H. BABCOCK

81.59

Petition of William J. and Susan R. Comstock III

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, October 14, 1981, at 8 p.m. on the Petition of William J. and Susan R. Comstock III, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow an addition eight (8) feet by sixteen (16) feet to an existing screen porch at their dwelling at 48 Pine Ridge Road with a front yard of less than the required thirty (30) feet. Said request is made under the provisions of Section XXIV-D of the Zoning Bylaw.

On September 28, 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 William Comstock, who stated he proposes to expand an existing screen porch eight feet by sixteen feet, keeping the same roof line, extending to 26.4' from the front yard line. Mr. Comstock stated the dwelling is located on a hill and on each side the lot slopes sharply off. He stated that the dwelling is a legal non-conforming structure, the front extending to 27'2" of the lot line at one point.

No one was present either in favor or opposed to the request.

Statement of Facts

The property involved is located in a Single Residence District at 48 Pine Ridge Road, on the corner of Ledyard Road, containing 10,970 square feet of land. Said dwelling is a legal non-conforming structure, as provided by Chapter 678, adopted August 14, 1970. Dwelling was built in 1939 with a thirty foot setback requirement, but improperly sited on lot with a setback of only 27.2' at one point.

The petitioner seeks to expand an existing screen porch 8' x 16' which would leave a 26'4" front setback.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated September 15, 1981. Construction sketches were also submitted.

The Planning Board, at its regular meeting of October 6, 1981, moved, seconded, and voted to offer no comment on the petition.

Decision

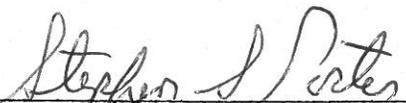
This Authority has made a careful study of the evidence submitted and at least one member has viewed the locus. The particular house in question is a legal non-conforming structure, with a front yard setback of 27'2" at one point.

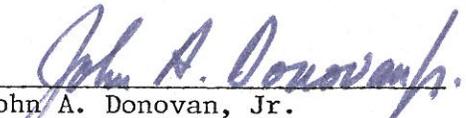
It is the opinion of the Authority that the expansion of the screen porch should be permitted as long as the addition does not extend closer than the outreaches of the present building, or 27'2" from Pine Ridge Road. The position of the house on the corner lot makes it difficult to conform to the thirty foot setback. If the addition retains the 27'2" setback from Pine Ridge Road, the setback from Ledyard Road will be in excess of thirty feet.

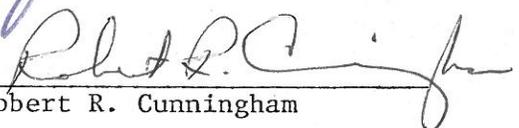
It is the unanimous decision of this Authority that because of the shape and topography of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore the requested Variance is granted and the Inspector of Buildings is authorized to issue a permit for the porch construction subject to the following conditions:

1. That a new plot plan be submitted to this Authority showing that:
 - A. the proposed construction be no closer to the front lot line on Pine Ridge Road than the line of the existing house as of this date.
 - B. the addition extend no more than 8'2" toward Ledyard Road from the end of the existing house.

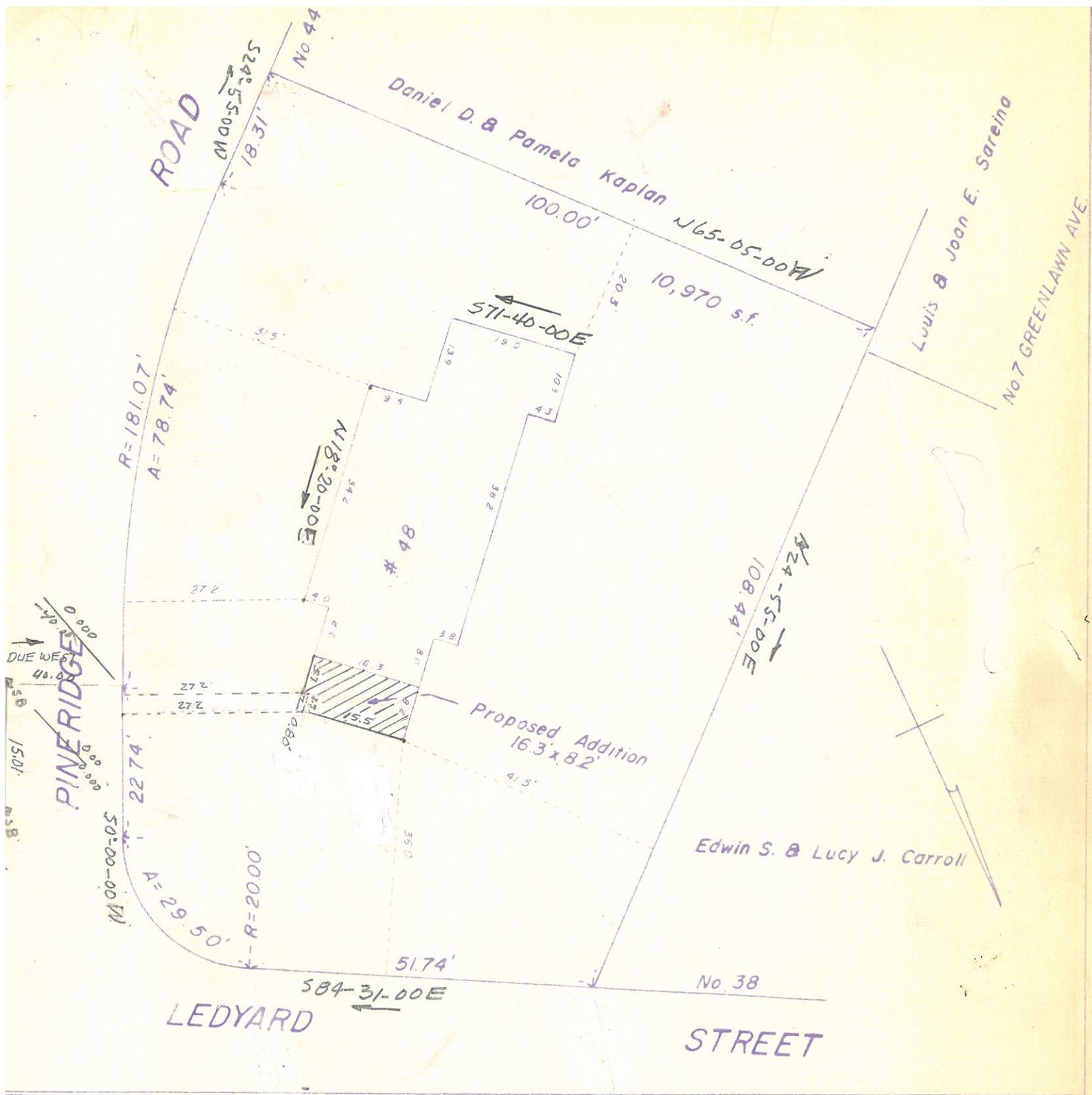

Stephen S. Porter, Chairman


John A. Donovan, Jr.


Robert R. Cunningham

mam

OCT 30 11 38 AM '81
RECEIVED
TOWN CLERK'S OFFICE
WELLFLEET, MASS.



PLAN OF LAND
 in
 WELLESLEY, MASSACHUSETTS
 at
 No. 48 PINERIDGE ROAD

Owned by
 William J. III & Susan R. Comstock
 Sept 15, 1981.
 Carmelo Frazetti



Proposed Addition
 Scale: 1" = 20'
 Land Surveyor