



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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81.65

Petition of Robert J. and Beatrice H. Seymour

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, December 10, 1981, at 8 p.m. on the Petition of Robert J. and Beatrice H. Seymour, requesting a variance from the terms of Section XIX which will allow an addition to their dwelling located at 38 Avon Road, including a three foot extension of their existing porch and conversion of that space to a permanent room 11' by 13', with a 5'10" x 5'10" deck at the rear of said room. Proposed addition would leave a left side yard of less than the required twenty feet. Request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On November 23, 1981, the petitioner filed for a hearing before this Board and thereafter due notice was given of the hearing by mailing and publication.

Present at the hearing and presenting the case was Robert Seymour, who stated that he wishes to build a room 11' by 13', taking advantage of his existing porch, which he proposed to extend 3 more feet. He stated the topography of his lot prevents him from building in the back, due to the fact that the land slopes toward the rear of the lot. He said that his next door neighbor at #36 Avon Road, whose house is at least 30 feet from the side lot line, has no objection to the proposed room.

No one was present either in favor or in opposition to the petition.

Statement of Facts

The property involved is located at 38 Avon Road, in a Single Residence District and is comprised of 8,121 square feet of land.

The petitioner seeks a variance to extend the existing porch, which is presently 14.4' from the side lot line at one corner, by 3 additional feet, and converting it to a permanent room 11' by 13'. He also wishes to construct a 5'10" deck at the rear of the proposed room.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated November 1, 1981. Construction plans of the proposed addition were also submitted, drawn by Louis Grimaldi, C.E.

The Planning Board, in a letter dated 12/8/81, stated that at its regular meeting on 12/1/81, the Planning Board took no action on the petition.

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Decision

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

The Board is aware of the fact that the petitioners are on a non-conforming lot, which restricts the ability to add living space to their dwelling. However, variances 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):

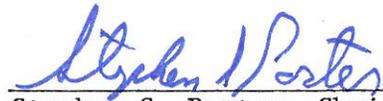
"1.

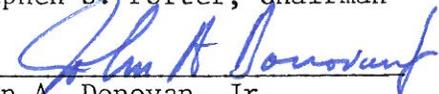
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to i) soil conditions, ii) shape, or iii) topography of such land or structures,
..... AND
- b. Desirable relief may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

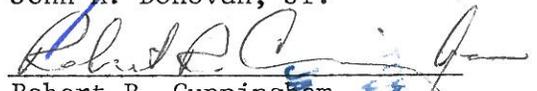
This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D.

This Board would entertain a new proposal from the petitioner which would not extend beyond the limits of the existing dwelling.

However, 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.

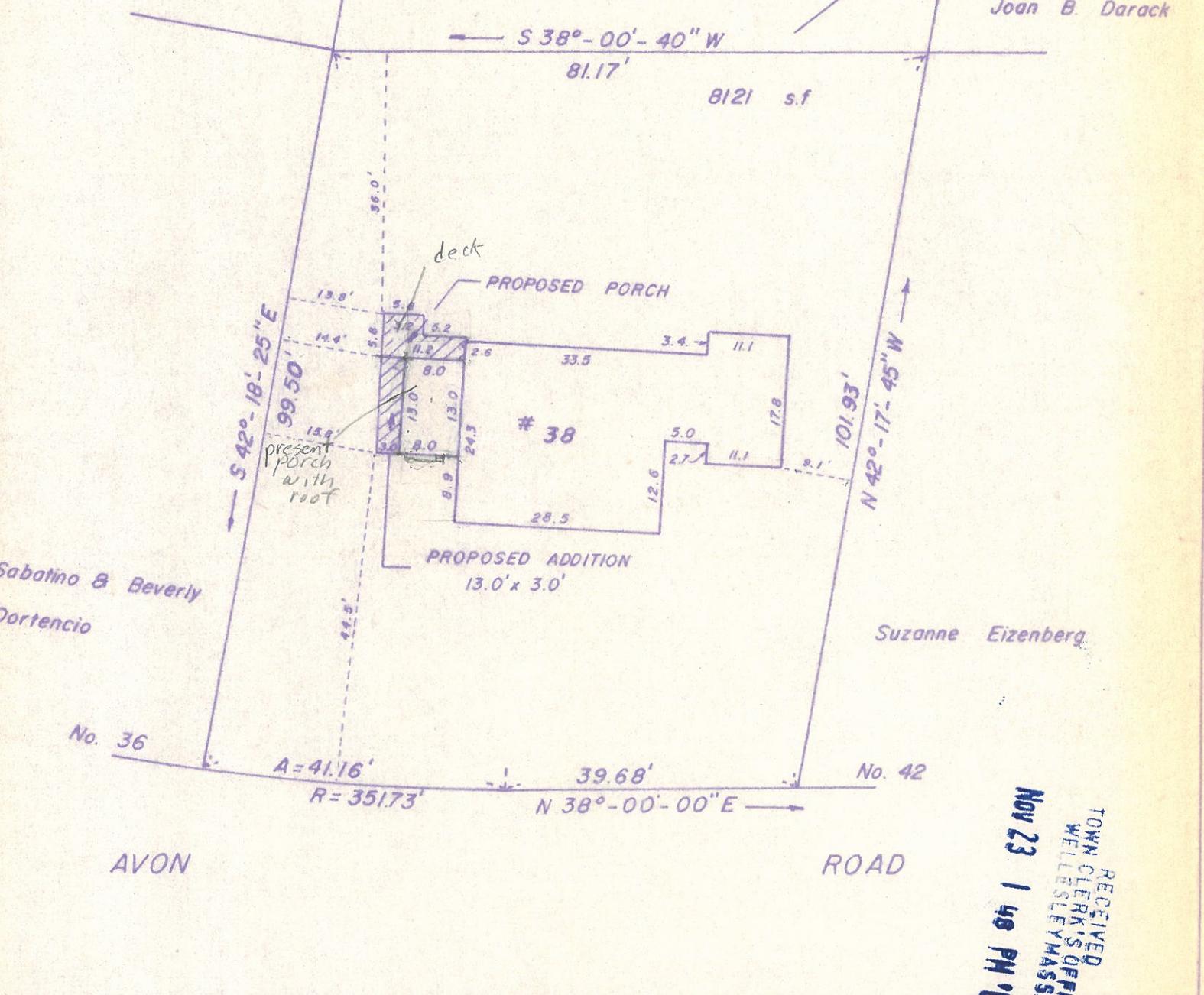

Robert R. Cunningham

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No. 227 Weston Rd.
Thomas A. & Windy W. Zeffiro

No. 229 Weston Road
Gean Schaefer Calla

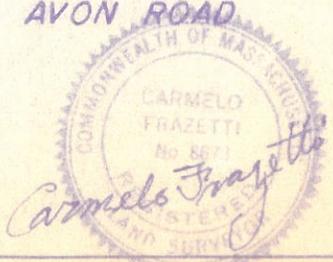
No. 231 Weston Rd.
Joan B. Darack



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PLAN OF LAND
in
WELLESLEY, MASSACHUSETTS
at

8,121 sq. ft.
Owned by
Robert J. & Beatrice H. Seymour
Nov. 1, 1981
Carmelo Frazetti



Proposed Addition
Scale: 1" = 20'
Land Surveyor