

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

MARY ANN McDUGALL
Executive Secretary
Telephone
235-1664

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

81-66

Petition of Fred Schluter

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, December 10, 1981, on the petition of Fred Schluter, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a dormer approximately 7' by 14' to his dwelling at 28 HIGHLEDGE AVENUE. Said dwelling is a legal non-conforming dwelling with a front yard setback of less than the required thirty feet. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

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

Present at the hearing and speaking on behalf of his request was Fred Schluter, who stated he wishes to construct a shed dormer on the right side of his dwelling, said dwelling having a seven foot setback from the street. The lines of the existing dwelling would not be extended in any way. Mr. Schluter submitted a booklet to the Board with pictures relevant to the request.

No one was present in favor or in opposition to the request.

Statement of Facts

The property involved is located at 28 Highledge Avenue, containing 12,800 square feet of land, in a Single Residence District.

The petitioner seeks permission to construct a dormer approximately 7' by 14' on the right side of the second floor of his dwelling, to expand the interior living space. Said dwelling is a legal non-conforming structure, having a seven foot setback from the street. The proposed expansion does not require any changes in the present foundation of the dwelling and would not extend beyond the existing dwelling in any way.

A Mortgage Survey Plan was submitted, drawn by George N. Giunta, Registered Land Surveyor, 76 Nehoiden Street, Needham, dated September 30, 1981. Proposed construction plans were also submitted by the petitioner.

JAN 5 10 31 AM '82

RECEIVED
TOWN ENGINEER'S OFFICE
WELLESLEY, MASS.

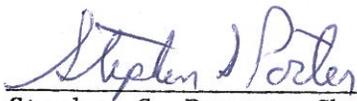
The Planning Board, in a letter dated 12/8/81, stated that at its regular meeting on December 1, 1981, the Planning Board moved, seconded, and voted to offer no comment on the petition.

Decision

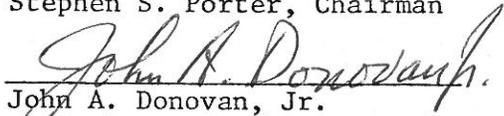
This Authority has made a careful study of the evidence submitted and at least one member has viewed the locus.

The petitioner seeks a variance to allow the construction of a dormer to his dwelling located at 28 Highledge Avenue. This Authority notes that the requested dormer would not extend beyond the existing dwelling in any way. It is, therefore, the unanimous opinion of this Authority that because of the shape of the lot and the house's placement on it, a literal enforcement of the provisions of the Zoning By-law 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.

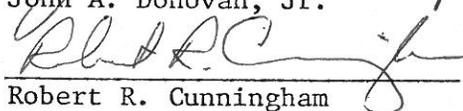
Accordingly, the requested variance is granted, and the Inspector of Buildings is authorized to issue a permit for the dormer construction upon his receipt and approval of an application.



Stephen S. Porter, Chairman



John A. Donovan, Jr.

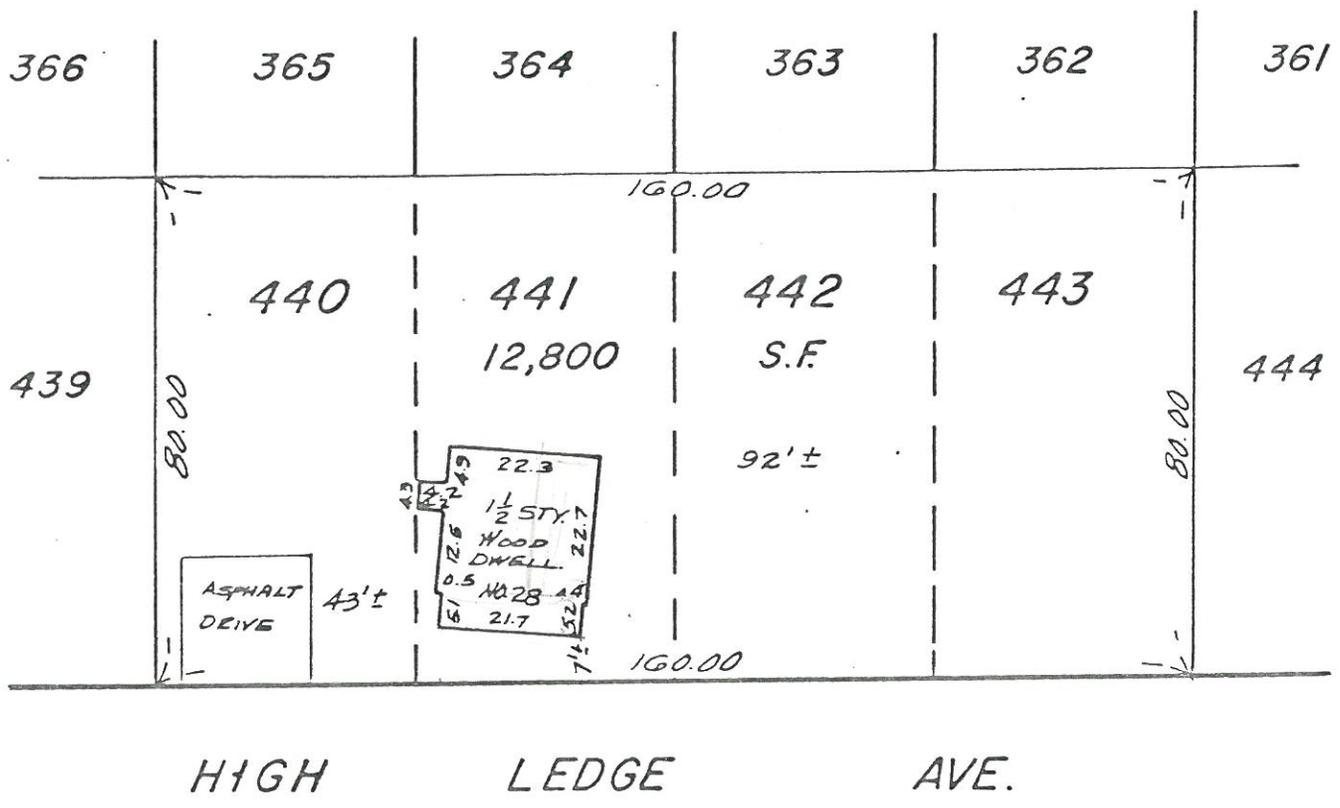
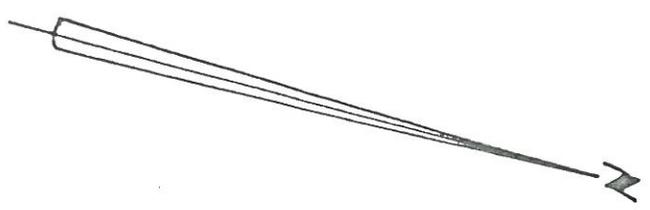


Robert R. Cunningham

mam

JAN 5 10 31 AM '82
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

RECEIVED OFFICE
TOWN CLERK'S OFFICE
WELLESLEY MASS.
NOV 23 1 48 PM '81



MORTGAGE SURVEY PLAN

SCALE: 1 IN. = 30 FT. DATE: SEPT. 30, 1980 PLAN REFERENCE: BEING LOTS 440, 441, 442, 443 ON A PLAN BY ARTHUR P. FRENCH DATED FEB. 1914 RECORDED IN NORFOLK REGISTRY OF DEEDS REGIS. BOOK 13 PAGE CERT. NO. 2542

I HEREBY CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN, AND CONFORMS TO THE ZONING LAWS OF THE TOWN OF WELLESLEY

I CERTIFY THAT THIS LOCUS DOES NOT LIE WITHIN THE FLOOD HAZARD ZONE AS DELINIATED ON MAP H-01 COMMUNITY 250255A

George N. Giunta
 GEORGE N. GIUNTA
 76 NEHOIDEN ST. NEEDHAM



THIS PLAN NOT MADE FROM AN INSTRUMENT SURVEY, NOT TO BE USED FOR FENCES, ETC. FOR USE OF BANK ONLY.