



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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82-11

Petition of Frederick E. Cunningham

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, April 1, 1982, at 8 p.m., on the Petition of Frederick E. Cunningham, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a 6.4' by 15' deck at the rear of his dwelling at 5 Montvale Road, leaving a right side yard of 9.4'. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On March 12, 1982, 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 Frederick Cunningham, who proposes to build a deck at the rear of his dwelling. Mr. Cunningham's builder, J. Burgess, was also present. Mr. Cunningham presented a letter to the Board from Melvin H. and Natalie W. Gulbrandsen, 35 Riverdale Road, abutters to the right side yard, expressing their support to the petition.

Present in favor of the petition: no one. Opposed: no one.

Statement of Facts

The property involved is located in a Single Residence District at 5 Montvale Road, containing 18,615 square feet of land. The dwelling was constructed in 1915. A variance was granted to a previous owner in 1952 for a one story addition 6' by 12'10" in order to enlarge the kitchen, said addition coming to 6'2" from the right side lot line. The petitioner proposes to construct a deck 6.4' by 15 feet at the rear of the building, which would come to 9.4' from the right side lot line.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated March 8, 1982. Construction drawings were also submitted.

The Planning Board, at its regular meeting of March 30, 1982, voted to offer no comment on the petition.

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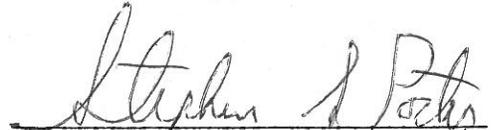
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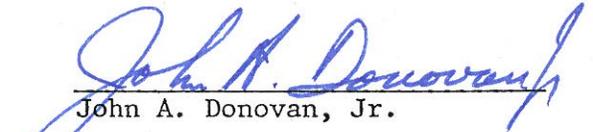
Decision

This Authority has made a careful study of the evidence submitted. The particular house in question extends to 6.5' from the right side yard by a variance granted in 1952. The petitioner requests a deck which would extend 9.4' from the right side yard.

It is the opinion of this Authority that the addition of the deck to the rear of the dwelling would not alter the relationship of the house to the existing lot line. Furthermore, because of the placement of the house on 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 deck construction upon receipt and approval of a building application and construction plans.


Stephen S. Porter, Chairman


John A. Donovan, Jr.


Robert R. Cunningham

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Permit No. _____

APPLICATION
FOR
BUILDING PERMIT

St. and No. _____

Owner _____

Architect _____

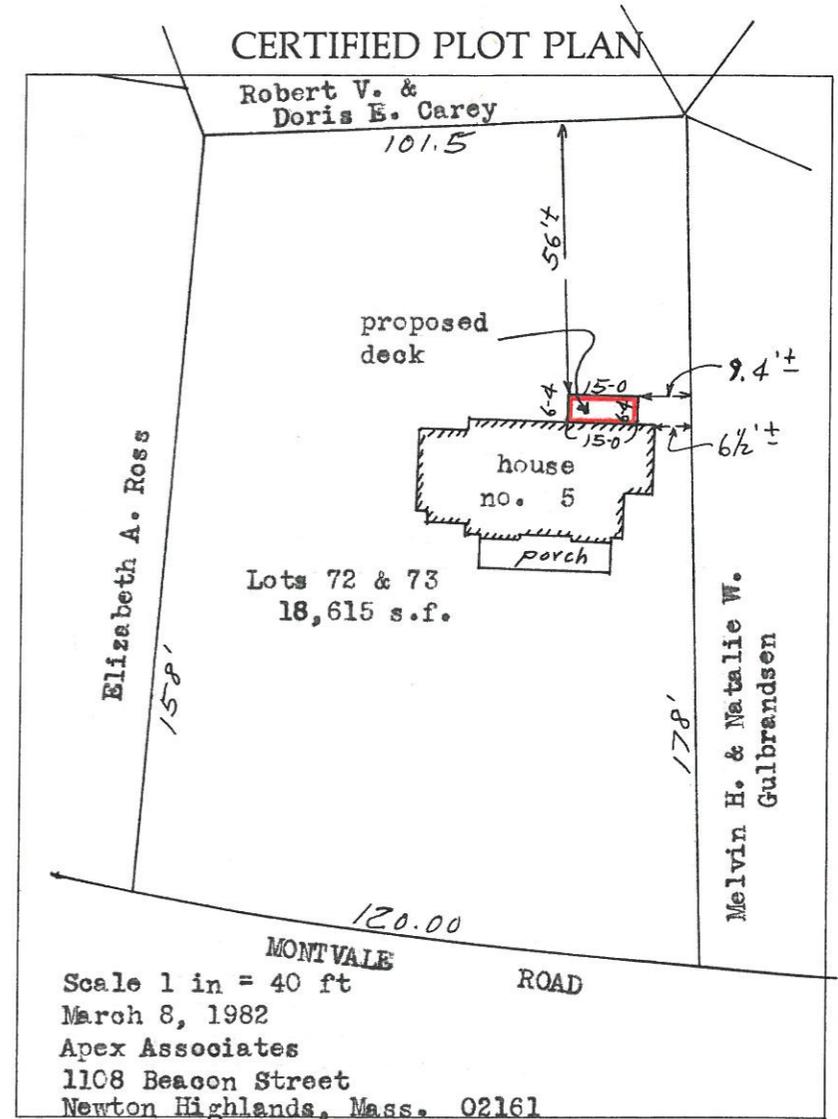
Builder _____

Permit Granted

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John J. Regan