



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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82-26

Petition of Michael Kreopolides

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, August 19, 1982 at 8 p.m. on the petition of Michael Kreopolides, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow construction of an enclosed front entrance approximately 5.7' by 4.4' to his dwelling at 27 Dunedin Road, leaving less than the required front yard setback. The request is being made pursuant to Section XXIV-D of the Zoning Bylaw.

On July 30, 1982, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the request were Michael and Ellen Kreopolides. Mr. Kreopolides explained that their property is unique in their neighborhood in that the front entrance is below the street level, and rain, snow and dirt are driven directly into their living room at the front door. He feels that the entrance enclosure is highly desirable to conserve energy and to exclude water or dirt from the house. Mrs. Kreopolides stated that the back door is inaccessible and that the family uses the front door as the main entrance to the house.

Mr. Kreopolides presented letters from the following neighbors in favor of the request: Mr. and Mrs. Fred DeLorie, 9 Dunedin Road, Robert G. McCabe, 31 Dunedin Road, Mr. and Mrs. A. Loletka, 32 Dunedin Road, Albert Whirly, 6 Dunedin Road, Paul Deligianidis, 7 Ashmont Road, Sandra Borkum 20 Ashmont, Raymond W. McCabe, 22 Dunedin Road.

Other than the petitioners, no one was present favoring or opposing the petition.

Statement of Facts

The locus in question is 27 Dunedin Road, containing 10,075 square feet of land, in a Single Residence District. The existing dwelling has a front yard setback of thirty feet. The front entrance has a concrete platform 4.4' by 5.7' to which the petitioner is proposing to add a roof and to enclose. This would provide energy efficiency and protection from water and dirt.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated June 28, 1982. A construction drawing was also submitted.

The Planning Board, in a letter dated August 18, 1982, voted to offer no comment on the petition.

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Decision

This Authority has made a careful study of the evidence submitted, and recognizes the conditions which the applicant is trying to correct:

1. That the front door enters the living area of the house which creates an energy loss.
2. That rain, snow and dirt are brought directly into the house.

While this Authority recognizes that there are valid reasons for the request, the Bylaw specifically restricts such improvements if an encroachment is involved. This Board recognizes that the above mentioned conditions are not unique and are present in many houses in the area and in the Town.

However, because this Authority believes that requests such as the petitioners are commendable, this Board plans to present a request before the next Town Meeting which would allow the construction of front entrance enclosures of limited dimensions.

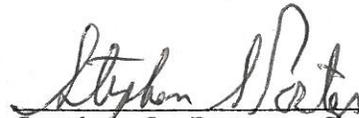
Variances may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

"1.....

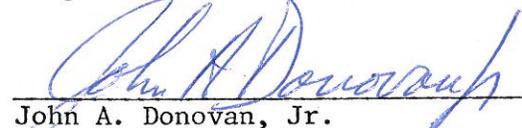
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures,
 AND
- b. Desirable relief may be 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.

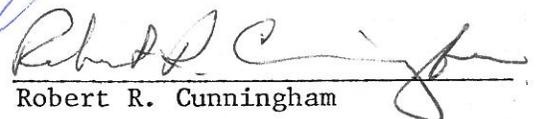
Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.



 Stephen S. Porter, Chairman



 John A. Donovan, Jr.

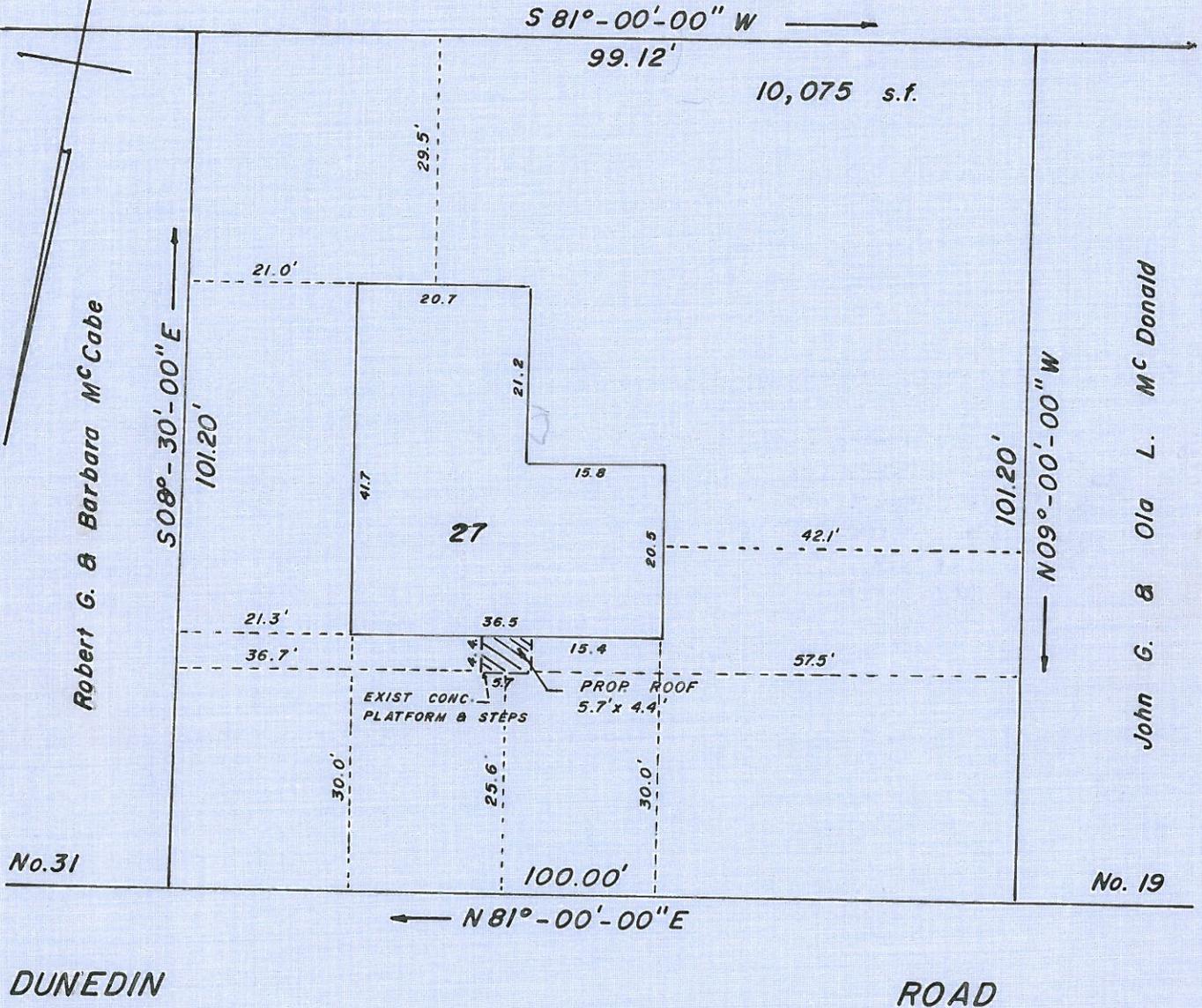


 Robert R. Cunningham

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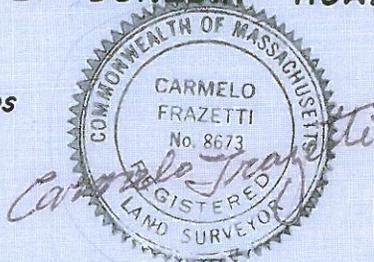
232 Cedar Street

Charles E. & Linda O.L. Roth



PLAN OF LAND
 in
 WELLESLEY, MASSACHUSETTS
 at
 No. 27 DUNEDIN ROAD

Owned by
 Michael & Ellen Kreopolides
 June 28, 1982
 Carmelo Frazetti



Proposed Roof
 Scale: 1" = 20'
 Land Surveyor