



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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

82-43

Petition of Stephen and Linda Lindsay

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, October 14, 1982, on the petition of STEPHEN AND LINDA LINDSAY, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow construction of a deck 6½ feet by 7½ feet covered by a trellis roof, at 35 CLOVELLY ROAD, leaving less than the required twenty foot right side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On September 28, 1982, the petitioner filed for a hearing before this Board and thereafter due notice was given of the hearing by mailing and publication.

Presenting the case at the hearing was Stephen Lindsay, who stated that the proposed deck would be no closer to the lot line than the existing house. He presented construction drawings of the proposed addition.

Present at the hearing and speaking in favor of the petition was Phyllis Young, 48 Clovelly Road. No one spoke in opposition to the request.

Statement of Facts

The property involved is located at 35 Clovelly Road, at the corner of Fletcher Road, containing 17,559 square feet of land, in a Single Residence District. The existing dwelling extends to 16.1' from the right side lot line. The proposed deck would be 6.5 feet by 7.5 feet with a trellis roof, coming to 16.1' from the right side lot line, but not extending further than the existing dwelling.

A Plot Plan was submitted, drawn by John P. Hurney, Registered Land Surveyor of Barnes Engineering Company, Inc., Auburndale, Ma., dated September 21, 1982. Construction drawings were also submitted, drawn by Alain Munkittrick Associates, Newton, Ma., dated February 1982.

Letters in support of the petition were received from Varnum C. Mead, 31 Clovelly Road, and Dorothy Harvey, 4 Fletcher Road.

The Planning Board, at its regular meeting of October 12, 1982, voted to offer no comment on the petition.

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WELLESLEY, MASS.

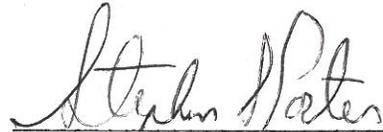
Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 16.1' from the right side lot line.

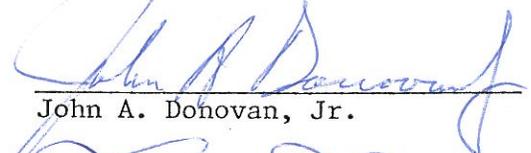
It is the opinion of this Authority that the proposed addition of the deck and trellis roof conforms with the present lines of the house and does not alter the relationship of the house to the existing lot line.

It is the unanimous decision of this Authority that, because of the shape 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.

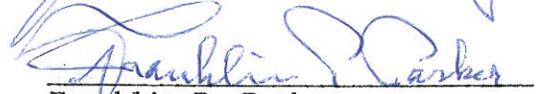
Therefore, the requested variance is granted, and the Inspector of Buildings is authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.



Stephen S. Porter, Chairman



John A. Donovan, Jr.

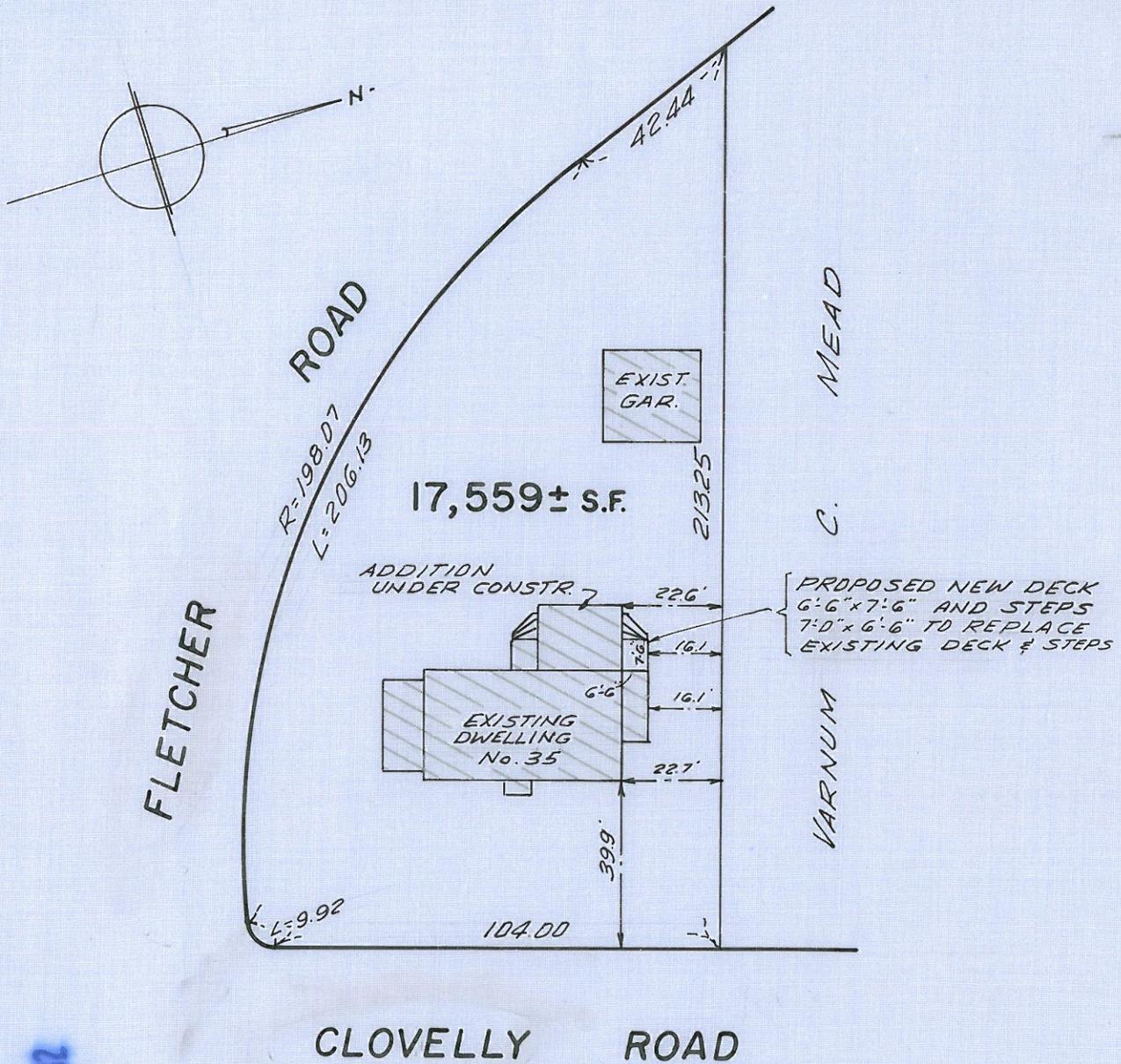


Franklin P. Parker

mam

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DEED REF: NORFOLK COUNTY REGISTRY  
OF DEEDS: BOOK 5779, PAGE 709.



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**PLOT PLAN  
OF PROPERTY IN  
WELLESLEY, MASS.**

BELONGING TO STEPHEN P. LINDSAY & LINDA GRAY LINDSAY  
SCALE 1IN. = 40FT. SEPT. 21, 1982  
BARNES ENGINEERING COMPANY, INC.  
411 LEXINGTON ST. AUBURNDALE, MASS.



I Certify that this building is located as shown

*John P. Hurney*  
R.L.S. #8743



**SURVEY RECORD**

Permit No. \_\_\_\_\_

Street CLOVELLY RD. No. 35

Builder \_\_\_\_\_

Address \_\_\_\_\_

Owner STEPHEN LINDSAY

Address 35 CLOVELLY RD

Building dimensions 19.6' x 15.2'

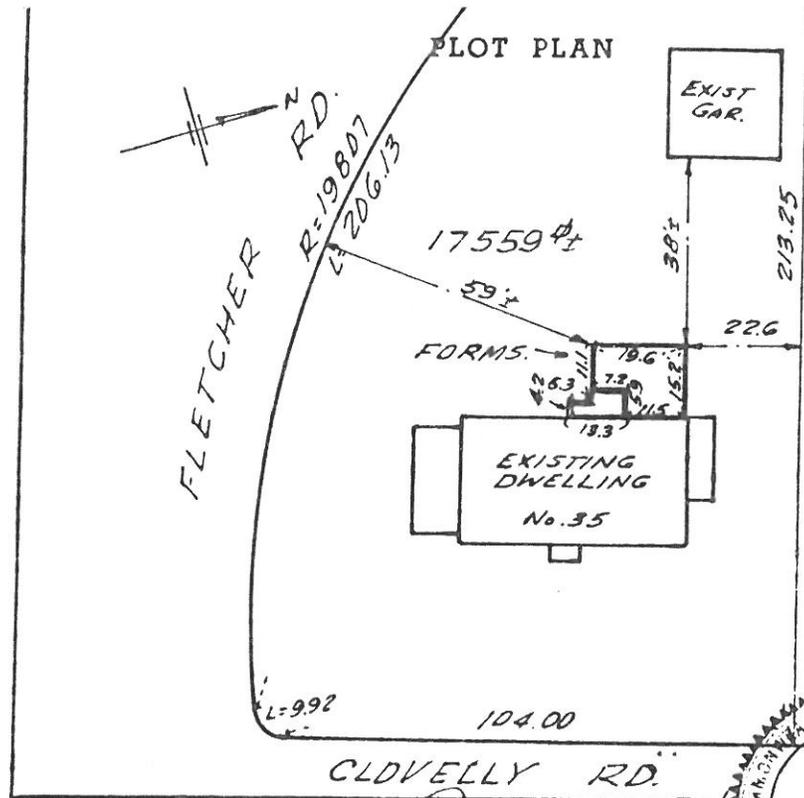
Distances:  
Adjoining Bldgs. 38'

Center of street \_\_\_\_\_

Front Yard 59' Rear Yard -

Side Yard 22.6' Side Yard -

Area of Lot 17,559 sq ft



VARNUM C. MEAD



COMPLETE INSTRUCTIONS ON REVERSE SIDE  
OF DUPLICATE COPY

Stamped & Signed By: John P. Hurney  
Registered Engineer or Surveyor  
BARVES ENGINEERING & SURVEYING CO.

Date Aug 17, 1962 Address 44 LEXINGTON ST  
ALBURNDALE, MA. 02111

ORIGINAL