



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

82-6

Petition of Bruce D. Walker

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, April 1, 1982, on the petition of Bruce D. Walker, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow construction of a dormer approximately 7' by 15' to his dwelling at 132 Overbrook Drive. Said dwelling is a legal non-conforming dwelling with a right side yard setback of less than the required twenty feet. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On March 12, 1982, 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 the petitioner was Attorney William C. Wright, Jr., who stated that Mr. Walker was out of the country and unable to attend the hearing. Mr. Walker, father of the petitioner, and builder of the proposed addition, was also present, as was Mr. Walker's fiance. Mr. Wright explained that a second story would be added to the existing house, which comes to 10'1" from the right side lot line. The Zoning Board of Appeals had been of the opinion that the addition was to be a dormer and that the existing roofline would not be changed. Upon discussion with Mr. Walker, Sr., it was determined that the existing roof would be raised. Mr. Porter requested that more detailed plans be presented showing the existing roofline and the proposed addition with dimensions and pictures.

There was no one present at the hearing other than the above mentioned, either in favor of or opposed to the petition.

Because the original petition was mis-advertised as a dormer, the Board of Appeals voted to re-advertise and hold another Public Hearing on Mr. Walker's petition. Due notice of the hearing was given by mailing and publication.

Therefore, 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, May 6, 1982, on the petition of Bruce D. Walker, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow construction of a second story approximately 20' by 30' to a portion of his dwelling at 132 Overbrook Drive. Said dwelling is a legal non-conforming dwelling with a right side yard setback of less than the required twenty feet. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

MAY 7 9 55 AM '82

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.

Statement of Facts

The property involved is located at 132 Overbrook Drive, in a Single Residence District, containing 6,400 square feet of land. The dwelling is a legal non-conforming structure, coming to 10'1" from the right side lot line.

A Plot Plan was submitted, drawn by Robert E. Drake, Registered Land Surveyor, of Drake Associates, Framingham, dated February 16, 1982. Construction sketches were also submitted. In response to Mr. Porters request at the Public Hearing, four photos of the existing house and construction sketches indicating details of the changes in the roof-line were subsequently submitted.

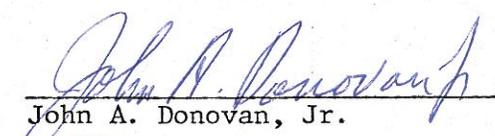
The Planning Board, at its regular meeting of March 30, 1982, voted to offer no comment on the petition.

Decision

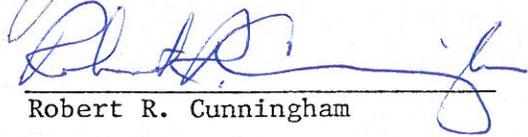
This Authority has made a careful study of the evidence submitted, and acknowledges receipt of the additional information and photos requested of the petitioner at the April 1, 1982 Public Hearing.

The petitioner seeks a variance to construct a second story to a portion of his dwelling at 132 Overbrook Drive. This Authority notes that the requested addition 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 placement of the dwelling on it, a literal enforcement 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.

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



John A. Donovan, Jr.

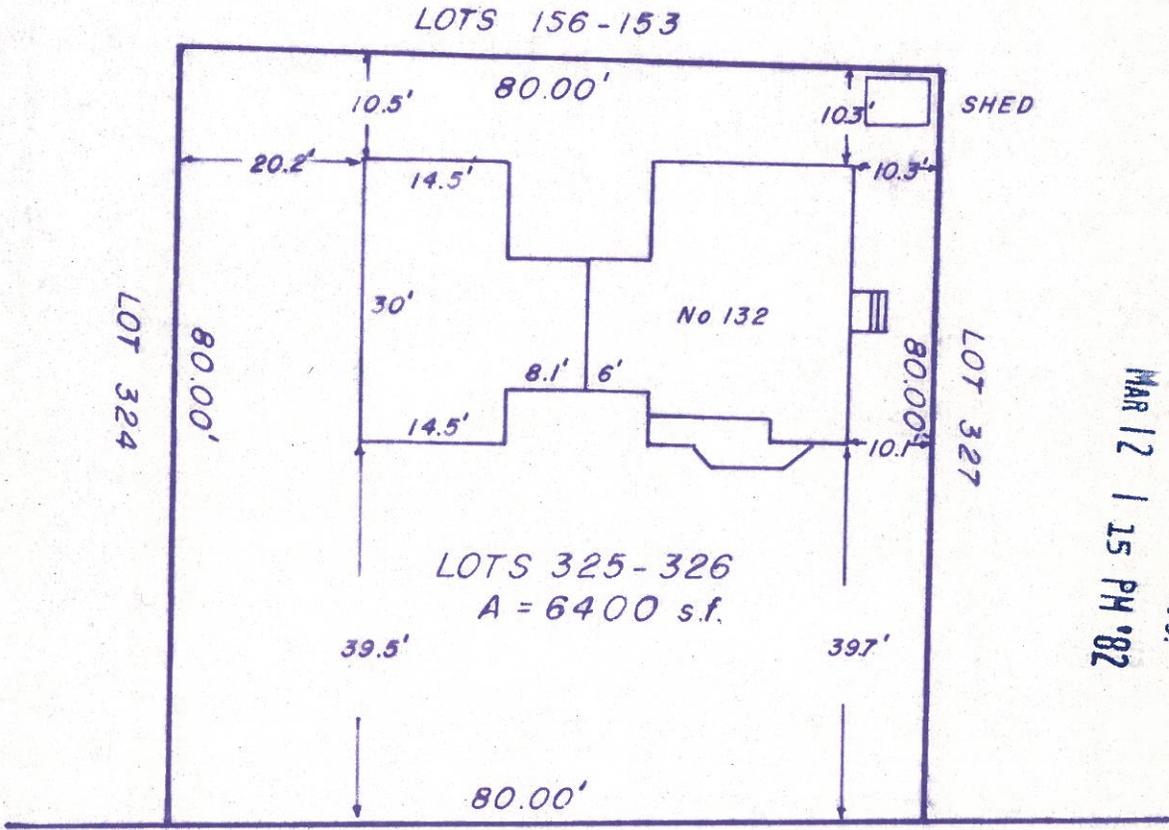
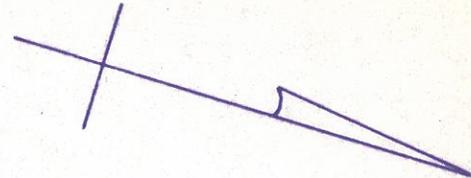


Robert R. Cunningham



William E. Polletta

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.
MAY 7 9 55 AM '82



RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY, MASS.
 MAR 12 1 15 PM '82

OVERBROOK DRIVE



Robert E. Drake

PLOT PLAN OF LAND

IN

WELLESLEY, MASS.
 scale 1" = 20' Feb 16, 1982

DRAKE ASSOCIATES INC.
 FRAMINGHAM, MASS.