



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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84-15

Petition of James R. Kasser

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, March 22, 1984 at 8 p.m. on the petition of JAMES R. KASSER, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of an addition to his dwelling at 642 WORCESTER STREET, consisting of a room approximately 10 feet by 13 feet and a deck approximately 7 feet by 4 feet, leaving less than the required right side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On March 2, 1984, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was James Kasser, who stated that his house had been moved to the present site in 1929 and is a legal non-conforming structure, coming to 16 feet from the right side line. He wishes to expand his kitchen, at the rear of the dwelling, leaving a right side yard of 17.5 feet.

Other than the petitioner, no one was present favoring or opposing the request.

Statement of Facts

The property in question is located at 642 Worcester Street (Route 9), containing 11,200 square feet, in a Single Residence District.

The existing dwelling is a legal non-conforming dwelling, moved to the site in 1929, with a left side yard of approximately 15 feet and a right side yard of 16 feet at the northwesterly corner of the dwelling.

The proposed one-story addition includes a room approximately 10 by 13 feet and a deck approximately 7 by 4 feet at the rear of the dwelling, leaving a right side yard of 17.5 feet. It runs parallel to the right side lot line, and constitutes less of an encroachment than the existing dwelling.

A Plot Plan was submitted, drawn by George N. Giunta, Registered Land Surveyor, Needham, Ma., dated 2/20/84. Construction sketches were also submitted.

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The Planning Board, in a letter of 3/8/84, stated it voted to offer no objection to the request based on the fact that it represents a lesser encroachment than the existing building.

Decision

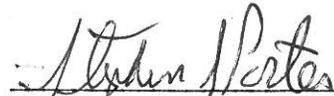
This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling has less than the required left and right side yards.

It is the opinion of this Authority that the proposed one-story addition conforms to the present lines of the house and in fact constitutes less of an encroachment to the right side lot line.

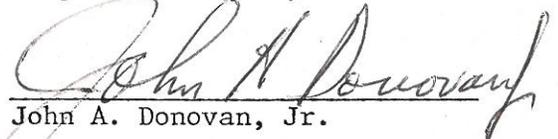
It is the unanimous decision of this Authority that, because of the shape of the lot and the location of the house, which pre-exists present zoning requirements, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the 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 to construct a one-story addition approximately 10 by 13 feet with a deck approximately 7 by 4 feet, as shown on the Plot Plan drawn by George N. Giunta, Registered Land Surveyor, dated 2/20/84, coming no closer than 17.5 feet from the right side lot line.

The Inspector of Buildings is hereby 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.



Robert R. Cunningham

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