



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Executive Secretary
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WILLIAM E. POLLETTA
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85-21

Petition of Christopher and Marcia Gorgone
37 Fox Hill Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 25, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills on the petition of Christopher and Marcia Gorgone requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a two-story addition approximately 30'2" by 18' to their dwelling at 37 Fox Hill Road leaving less than the required left side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On April 1, 1985 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 Chris Gorgone, who stated that the proposed addition would conform to the existing lines of the house and presented photos showing the area involved.

Michelle Doll, 43 Fox Hill Road, abutter, stated that she is not opposed to the variance but requests landscaping to give her privacy. No one was opposed to the requested two-story addition.

Statement of Facts

The property in question is located at 37 Fox Hill Road, containing 26,238 square feet of land, in a Single Residence District. The existing dwelling is a non-conforming structure with a left side yard of 11.5 feet at the front corner of the structure and 12.4 feet at the rear corner.

The petitioner is requesting a variance to construct a two-story addition approximately 18' by 30'2" to the rear of the dwelling, leaving a left side yard of 12 feet at a proposed chimney and 12.4 feet at the existing house and 13.1 feet at the rear corner. The addition would continue the existing lines of the dwelling.

A Plot Plan was submitted, drawn by Ramon E. Luttazi, Registered Land Surveyor, dated March 26, 1985. Construction sketches were also submitted, as were photos.

The Planning Board, at its regular meeting of April 22, 1985, voted to offer no comment on the petition.

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37 Fox Hill Road

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 11.5 feet from the left side lot line at the front corner.

It is the opinion of this Authority that the proposed two-story addition conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line.

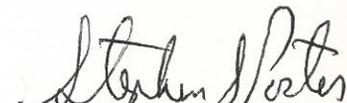
It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

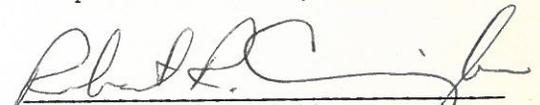
Therefore, the requested variance is granted to construct a two-story addition at 37 Fox Hill Road approximately 18' by 30'2" as shown in the Plot Plan by Ramon E. Luttazi dated March 26, 1985, coming no closer than indicated on said Plot Plan to the left side line.

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.

APPEALS FROM THIS DECISION,
 IF ANY, SHALL BE MADE PURSUANT
 TO GENERAL LAWS, CHAPTER 40A,
 SECTION 17, AND SHALL BE FILED
 WITHIN 20 DAYS AFTER THE DATE
 OF FILING OF THIS DECISION IN
 THE OFFICE OF THE TOWN CLERK.

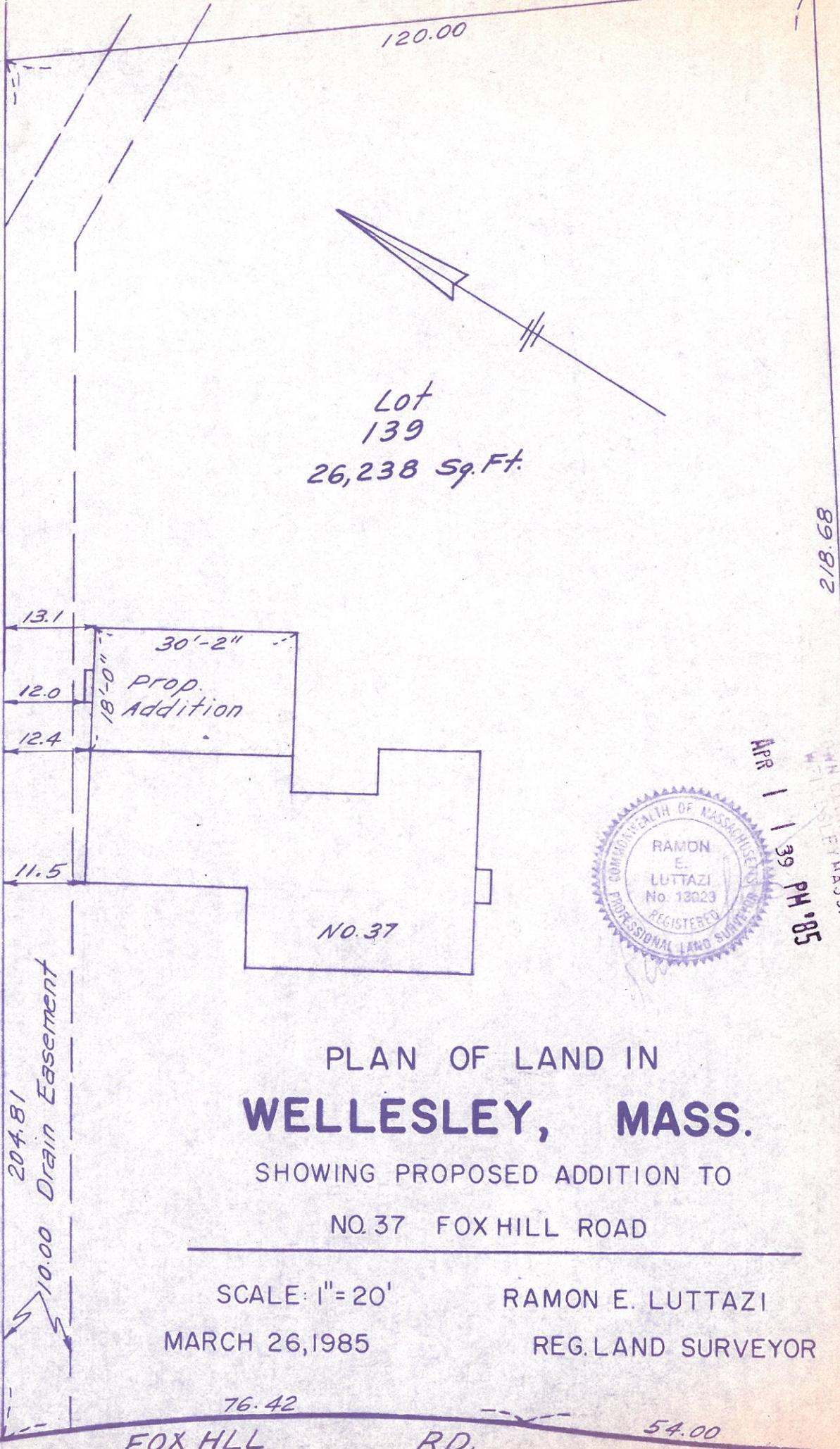
cc: Planning Board
 mam


 Stephen S. Porter, Chairman

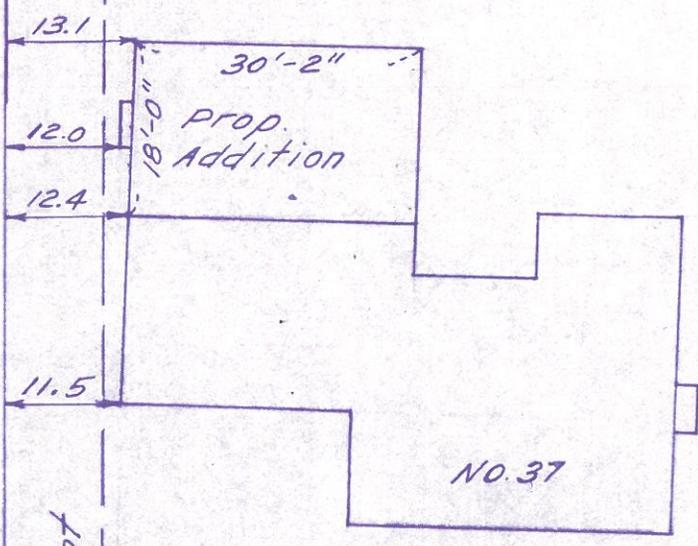

 Robert R. Cunningham


 William E. Polletta

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 WILLESTON, MASS.
 MAY 15 9 48 AM '85



Lot
139
26,238 Sq. Ft.



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PLAN OF LAND IN
WELLESLEY, MASS.

SHOWING PROPOSED ADDITION TO
NO. 37 FOX HILL ROAD

SCALE: 1" = 20'
MARCH 26, 1985

RAMON E. LUTTAZI
REG. LAND SURVEYOR

76.42
FOX HILL RD. 54.00

89.812

204.81
10.00 Drain Easement