



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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85-39

Petition of William J. Chaisson  
26 Donazette Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 18, 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 WILLIAM J. CHAISSON requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a two-story addition approximately 27.4 feet by 20.9 feet and a deck approximately 10 feet by 10 feet at the dwelling at 26 DONAZETTE STREET, said addition to contain a garage, extended living room, and bedroom, leaving less than the required side yard on the northwesterly property line. Said dwelling is a non-conforming structure.

On June 28, 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 William Chaisson, owner, who stated that he is a member of the Police Department in Wellesley, would like to continue living in the Town, but needs more living space and a garage. He presented a copy of Mass. Laws C.41, S99A which state that members of the Police Department must live within 10 miles of the Town. He stated that the property adjacent at 30 Donazette Street is only 37 feet wide, that a house is being constructed in the front section of the lot but that nothing can be built in the area of the lot abutting his dwelling.

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

Statement of Facts

The property in question is located at 26 Donazette Street, containing 4,707 square feet of land. The lot is located behind 28 Donazette Street, with a 10 foot right of way at the border of 28 and 30 Donazette Street allowing access to 26 Donazette St.

The existing dwelling is non-conforming, located 15 feet from the side line bordering on 30 Donazette St. The petitioner proposes to remove an existing detached garage approximately 2 feet from the side line and to construct a two-story addition approximately 27.4 feet by 20.9 feet to contain a garage, conversion of a porch to increase living space and a bedroom on the second floor, and a 10 by 10 foot deck at the rear. The addition would leave a side yard of approximately two feet.

The abutting property at 30 Donazette St. is 37.85 feet wide extending the entire length of the lot at 26 Donazette Street. A house is being constructed at the front of the lot. No structure could be constructed on the portion of the lot adjacent to

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26 Donazette St. according to the present yard regulations of the Town.

A Plot Plan was presented, drawn by Carmelo Frazetti, Registered Land Surveyor, dated June 9, 1985. Construction drawings were presented drawn by Gillespie and Morrison, Inc., Wellesley. Photos were also presented. A previous variance had been granted on the property in 1972 (ZBA Case #72-50).

The Planning Board, at its regular meeting of July 17, 1985, voted to oppose the granting of a variance on the basis that it represents a substantial and unreasonable encroachment on the side lot line.

Decision

This Authority has made a careful study of the evidence presented. This Board is of the opinion that the lot in question is unique because of its size (4,707 square feet) and because it is landlocked. The petitioner has a hardship due to the shape and location of the lot.

Although the petitioner proposes to construct an addition coming to two feet from the lot line, the encroachment would not affect the abutting property at 30 Donazette St. because the lot is unbuildable along the entire depth of 26 Donazette St., due to its width of 37.85 feet. In fact, the closest structure to the addition would be the dwelling at 32 Donazette St. which is approximately 150 feet away.

It is the opinion of this Authority that, because of the shape and size of the lot and due to its unique location, 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.

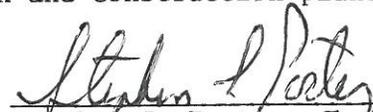
Therefore, the requested variance is granted to construct a two-story addition at 26 Donazette Street as shown in the Plot Plan drawn by Carmelo Frazetti, Registered Land Surveyor, dated June 9, 1985, coming no closer than two feet from the property line bordering 30 Donazette St.

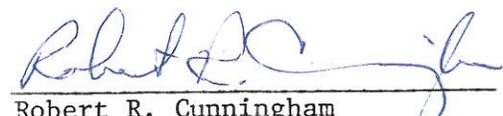
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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  
 Building Inspector

mam

  
 Stephen S. Porter, Chairman

  
 Robert R. Cunningham

  
 Franklin P. Parker

AUG 9 12 50 PM '85

MASS.  
 OFFICE

DONIZETTI

STREET

N 22° 41' 30" W

60.00'

No. 28

ADOLPH & JOSEPHINE LEPROTTI

No. 20

MARY A. MULCAHY

JAMES & JULIANNE TURNER

Alan J  
GIFFORD

30

10' RIGHT OF WAY

N 67° 06' 30" E

N 22° 41' 30" W

60.00'

4,707 S.F.

78.90'

25.7'

2.3'

20.3'

10.5'

8.9'

4.7 0'

27.4'

7.9'

No. 26

18.3'

13.0'

7.9'

2.1'

PROP.  
10' x 10'  
DECK

1.1'

17.5'

19.5'

10.2'

19.1'

19.1'

19.1'

19.1'

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19.1'

19.1'

S 23° 56' 00" E

S 23° 03' 00" E

S 67° 06' 30" W

37.85'

60.01'

78.00'

S.B.

C.B.

5.85'

5.85'

PAUL A. SIMARD

THOMAS & INGELINE DRUMMY

ROBERT & NANCY HOWE

PLAN OF LAND  
IN  
WELLESLEY, MASSACHUSETTS

AT  
No. 26 DONIZETTI STREET

OWNED BY  
William J. and Diane S. Chaisson

June 9, 1985

Carmelo Frazetti  
45 HOWLAND STREET



Scale: 1" = 20'

Land Surveyor  
NEEDHAM, MA 02192

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WELLESLEY, MASS.  
JUN 28 11 15 AM '85