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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL
Executive Secretary
Telephone
~~285-2864~~
431-1019

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

85-41

Petition of Gerald & Linda Zukowski
16 Abbott Road

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 GERALD & LINDA ZUKOWSKI requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaws which will allow the construction of a mudroom approximately 4 feet by 14 feet at their non-conforming dwelling at 16 ABBOTT ROAD at the corner of BEMIS ROAD leaving less than the required rear yard on the northeasterly property line.

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 Gerald Zukowski, who stated that the garage is so small it can only be used for a car and that more storage area is needed for bikes, etc. in the summer and a mudroom is needed in the winter.

Opposed to the request : John T. Hughes, abutter, 5 Bemis Road, who stated that his house is 10 feet from the property line in question and the addition will only be 17.5 feet from his house.

Statement of Facts

The property in question is located at 16 Abbott Road at the corner of Bemis Road, containing 10,212 square feet of land, located in a Single Residence District. The existing dwelling is non-conforming with a rear yard on the northerly border of 7.5 feet, setbacks from Bemis Road and Abbott Roads of 20 feet.

The petitioner proposes to construct a mudroom/storage area 4 feet by 14 feet, extending the existing lines of the garage, coming no closer than 7.5 feet from the rear lot line.

A Plot Plan was presented, drawn by George N. Giunta, Registered Land Surveyor, of Needham, Ma. dated June 11, 1985. Construction sketches were also presented.

The Planning Board, at its meeting of July 17, 1985, voted to offer no objection to the variance request.

A letter opposed to the request was received from Jean and John T. Hughes, Jr., 5 Bemis Road, abutters on the side of the encroachment.

Petition of Gerald & Linda Zukowski
16 Abbott Road

Decision

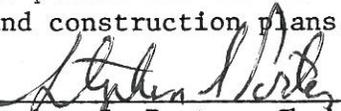
This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 7.5 feet from the rear lot line.

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

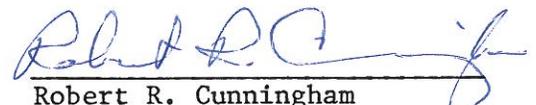
It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable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

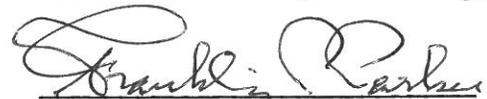
Therefore, the requested variance is granted to construct a mudroom approximately 4 feet by 14 feet as shown on the Plot Plan drawn by George N. Giunta, Registered Land Surveyor, dated June 11, 1985, coming no closer than the existing garage or 7.5 feet from the rear lot line.

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

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.


Robert R. Cunningham

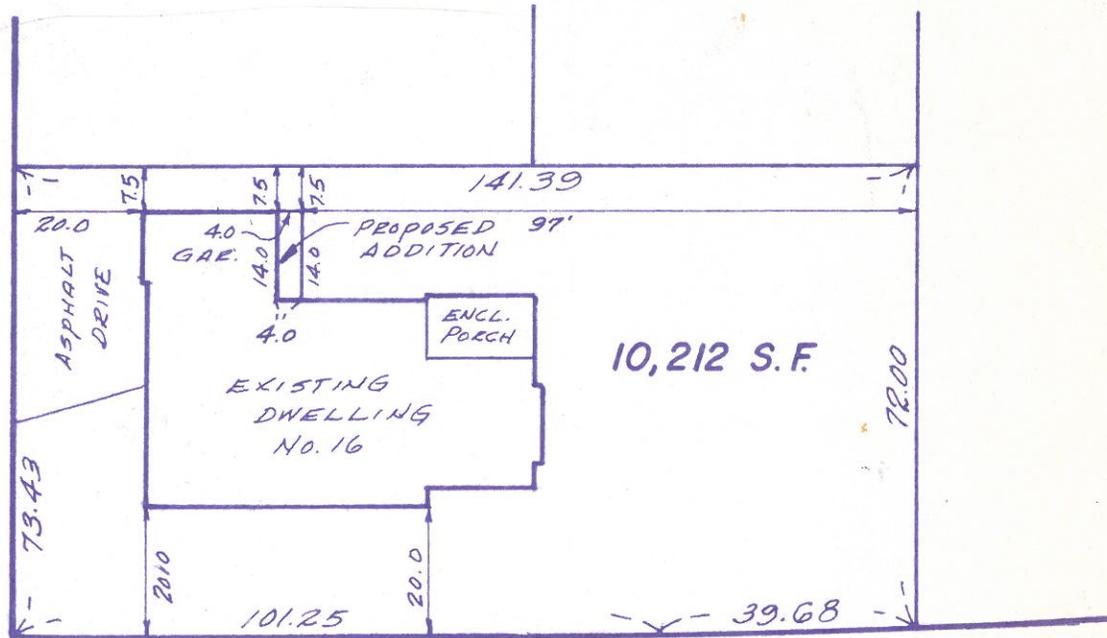

Franklin P. Parker

cc: Planning Board
Building Department

mam

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BEMIS RD.



ABBOTT RD.

PLOT PLAN OF LAND
IN
WELLESLEY—MASS

JUNE 11, 1985 SCALE 1" = 30'

GEORGE N. GIUNTA R.L.S.
76 NEHOIDEN ST.
NEEDHAM, MASS.



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