



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  
~~225-1664~~

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

85-64

Petition of W. Robert & Suzanne Patterson  
9 Emerson Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 17, 1985 at 8 p.m. in Room 17 of the Phillips Building, Seaward Road, Wellesley Hills, on the petition of W. ROBERT AND SUZANNE PATTERSON requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaws to allow construction at 9 EMERSON ROAD to include the enclosure of an existing 12' by 16' porch to include a bay window approximately 7.8' by 19" and a deck approximately 4' by 9' at the rear of the existing porch, leaving less than the required right side yard.

On September 30, 1985, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Robert Patterson, who stated that the porch is being constructed through a building permit and a bay window is desired in that new room, and a deck is proposed at the rear of the room. The deck would be 17' from the right side lot line.

No others were present favoring or opposing the request.

Statement of Facts

The property in question is located at 9 Emerson Road, containing 14,630 square feet of land. The house is a non-conforming structure with a right side yard of 15.5 feet.

The petitioner proposes to enclose the existing 12 by 16 foot porch and has obtained a building permit for the work. A variance is requested to allow a bay window approximately 7.8' by 19" on the newly created room, leaving a right side yard of 14 feet. A variance is also requested to allow a deck approximately 4' by 9' at the rear of the new room, leaving a right side yards of 17'.

A Plot Plan was presented, drawn by Stephen P. DesRoche, Professional Land Surveyor, dated 9/23/85. Construction sketches and photos were also presented.

The Planning Board, at its regular meeting of October 8, 1985, voted to oppose the granting of the side yard variance for the bay window.

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Letters in support of the request were received from Sheila L. Greenfield, 5 Emerson Road, and James P. and Donna D. Conlin, 10 Emerson Road.

Decision

This Authority has made a careful study of the evidence presented. The particular house in question is its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 15.5 feet from the right side lot line.

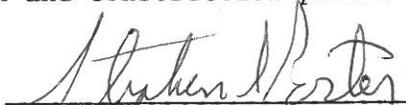
It is the opinion of this Authority that the proposed deck does not encroach as far as the existing house does, conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line. Regarding the proposed bay window, it is the opinion of this Authority that the bay window constitutes a de minimus encroachment and can be allowed provided that it not be a walk-out bay with a foundation.

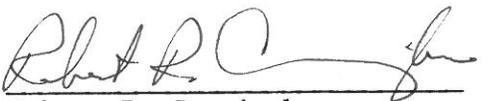
It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable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

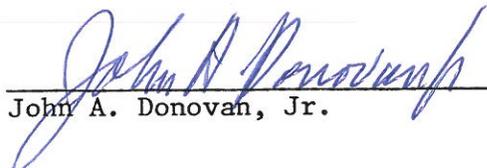
Therefore, the requested variance is granted to construct a deck approximately 4 feet by 9 feet, coming no closer than 17 feet from the right side line and a bay window approximately 7.8 feet by 19 inches, coming no closer than 14 feet from the right side line, provided that the bay window not be a walk-out bay with a foundation, as shown in the Plot Plan drawn by Stephen P. DesRoche, Professional Land Surveyor, dated 9/23/85.

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.

  
 Stephen S. Porter, Chairman

  
 Robert R. Cunningham

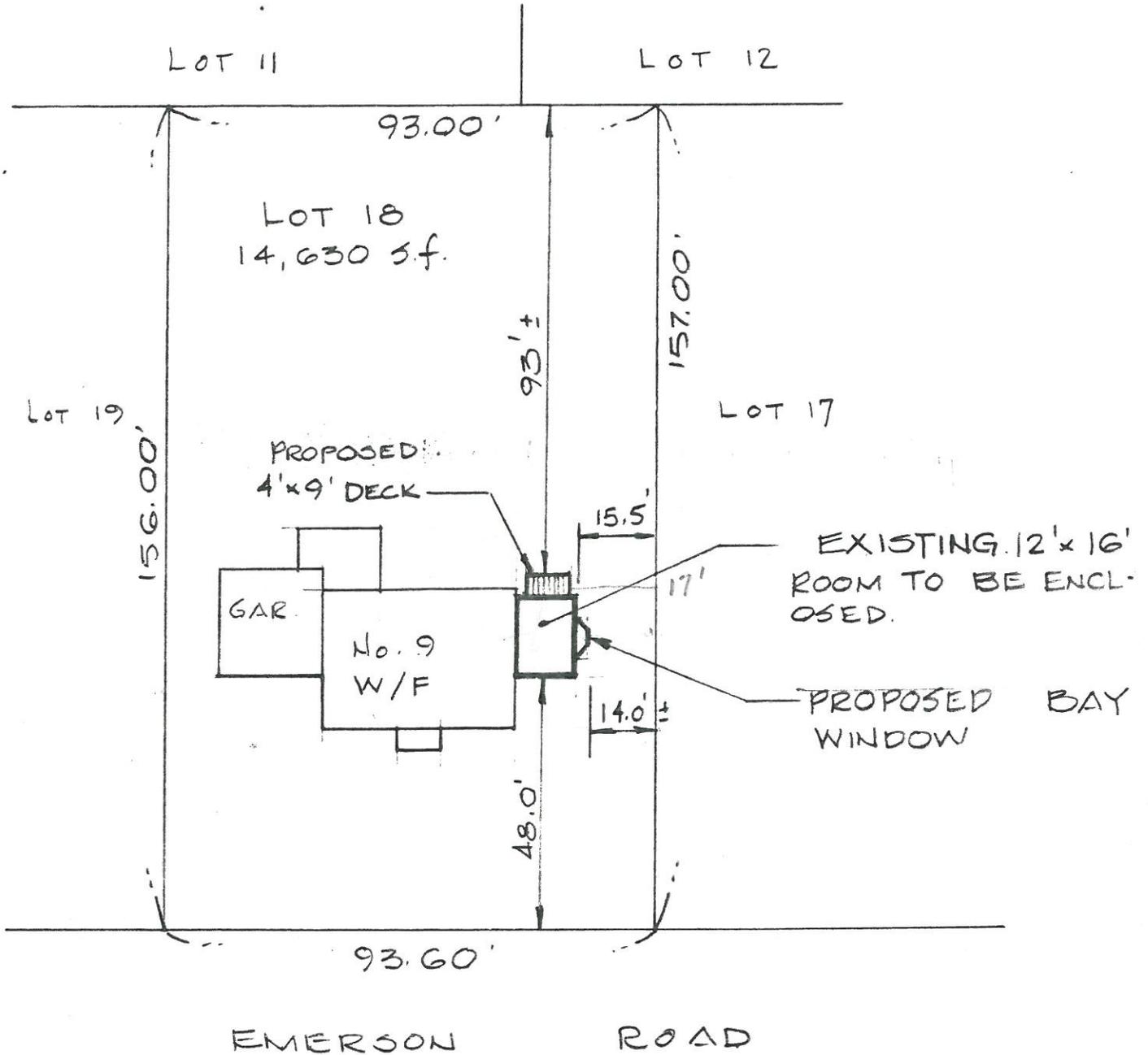
  
 John A. Donovan, Jr.

cc: Planning Board  
 Building Inspector  
 mam

STEPHEN DESROCHE  
95 WHITE STREET  
QUINCY, MASS.  
02269

SUBJECT PLAN OF IMPROVEMENT  
9 EMERSON RD. - WELLSLEY  
COMPUTED BY SPD CHECKED BY PD

SHEET No. 1 OF 1  
JOB No. 1985-117  
DATE SEPT. 23, 1985



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Stephen P. Desroche  
9/23/85