



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 86-58  
Petition of Marcia M. Wakeman  
18 Woodlawn Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 23, 1986 at 8 p.m. in the Great Hall of the Town Hall at 525 Washington Street, Wellesley, on the petition of MARCIA M. WAKEMAN requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the construction of a deck approximately 12.2 feet by 24.5 feet at the rear of her non-conforming dwelling at 18 WOODLAWN AVENUE leaving less than the required left (easterly) side yard.

On October 2, 1986 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 Marcia Wakeman, who stated that the deck would come no closer than the existing non-conforming dwelling to the sideline.

No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 18 Woodlawn Avenue, containing approximately 8,100 square feet of land. A non-conforming dwelling exists on the property, coming to 11.9 feet from the left (easterly) side lot line.

The petitioner is proposing a deck approximately 24.5 feet by 12.2 feet at the rear of the dwelling, leaving a left side yard of 11.9 feet.

A Plot Plan was presented, drawn by Carmelo Frazetti, Registered Land Surveyor, dated September 22, 1986. Construction sketches and photos were also presented.

The Planning Board, at its regular meeting of October 21, 1986, voted to offer no comment on the petition.

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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 11.9 feet from the left side lot line.

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

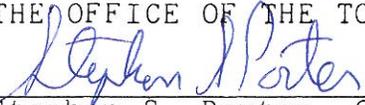
It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable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

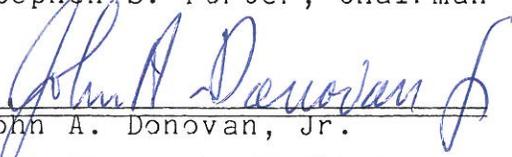
Therefore, the requested variance is granted to construct a deck at 18 Woodlawn Avenue, said deck approximately 12.2 feet by 24.5 feet as shown on the Plot Plan by Carmelo Frazetti, Registered Land Surveyor, dated September 22, 1986, coming no closer than 11.9 from the left side lot line.

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.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

  
John A. Donovan, Jr.

  
William E. Polletta

cc: Planning Board  
Inspector of Buildings  
mam

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