



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  
~~235-1664~~  
431-1019

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

ZBA 87-39

Petition of Kevin & Patricia Doyle  
9 Stearns Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 21, 1987 at 8 p.m. in the Great Hall (Conference Room E) of the Town Hall at 525 Washington Street, Wellesley on the petition of KEVIN & PATRICIA DOYLE requesting variances from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow: 1) the construction of a two-story addition to their non-conforming dwelling at 9 STEARNS ROAD, said addition approximately 16 feet by 30 feet to contain a family room and bath on the first floor and a bedroom and bath on the second floor, leaving less than the required left (westerly) and right (easterly) side yards, and 2) a bay window approximately 6 feet by 1.5 feet on the existing dwelling leaving less than the required right (easterly) side yard.

On May 4, 1987 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 Patricia Doyle, who stated that they bought the house 15 years ago and need more space. The bay window projects from the house but has no foundation.

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

Statement of Facts

The property in question is located at 9 Stearns Road, containing 8,032 square feet of land, in a Single Residence District. A non-conforming dwelling exists on the lot with a left (westerly) side yard of 11.78 feet and a right (easterly) side yard of 10.20 feet and a setback from the street of 28.32 feet.

The petitioner requests a variance to allow a two-story addition approximately 30 feet by 16 feet at the rear of the dwelling leaving a left side yard of 18.38 feet and a right side yard of 10.36 feet. The addition would contain a family room and bath on the first floor and a bedroom and bath on the second floor. A variance is also requested for a bay window approximately 6 feet by 1.5 feet on the easterly side of the existing dwelling, leaving a right (easterly) side yard of 9.10 feet.

A Plot Plan was submitted, drawn by Paul DeSimone, Registered Land Surveyor, dated 4/8/87. This was revised on 5/15/87 to indicate the bay window. Construction sketches were submitted as were photos.



Petition of Kevin & Patricia Doyle  
9 Stearns Road

The Planning Board, on May 19, 1987, voted "to oppose the variance to allow construction of a two-story addition on the basis that there is substantial effective encroachment on the left and right side yards. The request for the variance for the bay window is opposed as it represents a significant encroachment on the side yard."

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 11.78 feet from the left side yard and 10.20 feet from the right side yard and 28.32 feet from the street.

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 side lines. It is the opinion of this Board that the bay window which is proposed on the existing house represents a minimal encroachment on the side line and can be allowed.

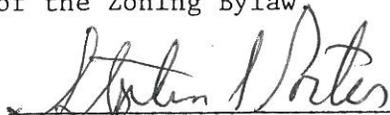
It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable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

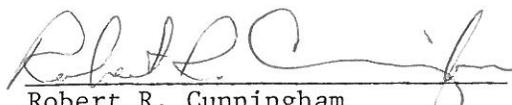
Therefore, the requested variance is granted to construct a two-story addition at 9 Stearns Road, said addition approximately 30 feet by 16 feet, as shown in the Plot Plan by Paul DeSimone, Registered Land Surveyor, dated 4/8/87 and revised on 5/15/87, said addition coming no closer than 10.36 feet from the right side line and 18.38 feet from the left side line and to construct a bay window on the existing house coming no closer than 9.10 feet from the right 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.

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.

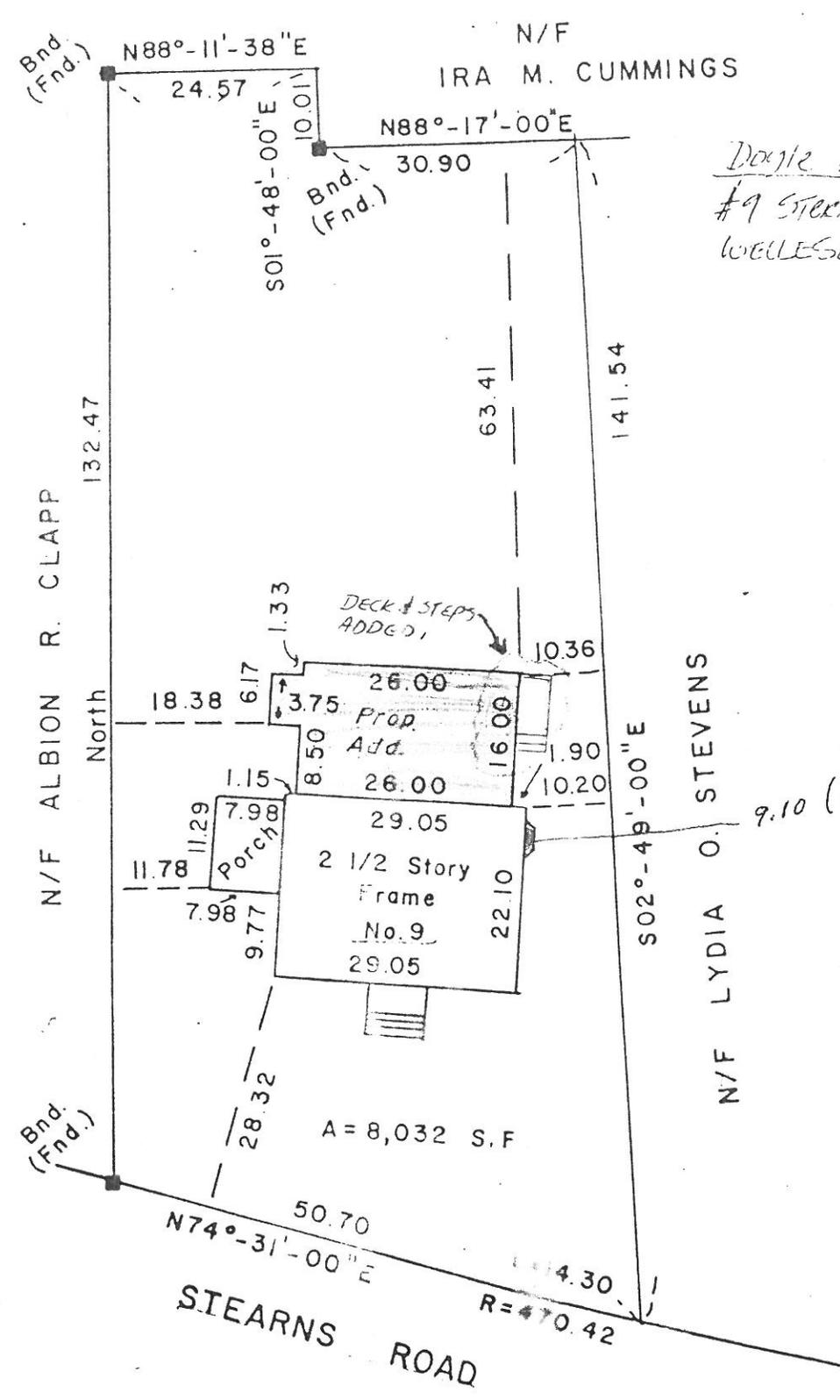
  
Stephen S. Porter, Chairman

  
Robert R. Cunningham

  
William E. Polletta

cc: Planning Board  
Inspector of Buildings

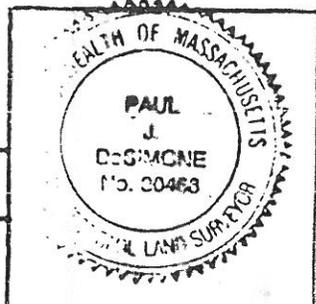
JUN 18 9 42 AM '87  
RECEIVED  
TOWN CLERK'S OFFICE  
MIDDLEBURY MASS.



*Doyle Residence*  
 #9 STEARNS RD  
 WELLESLEY, MA.

*9.10 (per call from  
 Pete + Mc Cusker)  
 5/15/87*

*submitted  
 5/15/87  
 need dimensions  
 of bay window  
 to lot lines*



Location: WELLESLEY      Scale: 1" = 20'      Date: 4-8-87

PLOT PLAN

*Paul J. DeSimone*