



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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431-1019

ZBA 87-56

Petition of Joseph A. and Katherine S. Majzoub  
22 Sunset Road

Pursuant to due notice, the Permit Granting Authority held a Public Meeting on Thursday, July 30, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, pursuant to the request of JOSEPH A. AND KATHERINE M. MAJZOUB for variances from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow additions to their non-conforming dwelling at 22 SUNSET ROAD including: 1) enclosure of existing screen porch approximately 12 feet by 9.1 feet to create a permanent room with less than the required left side yard; 2) addition of a screen porch approximately 10.6 feet by 9 feet at the front corner of the dwelling leaving less than the required right side yard; 3) conversion of the existing one-car garage approximately 10.6 feet by 19.2 feet to a permanent room with less than the required right side yard; 4) addition of a deck approximately 30 feet by 16 feet at the rear of the dwelling leaving less than the required right side yard.

On June 30, 1987 the petitioners filed an application for a hearing before this authority and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case was Joseph Majzoub who introduced his wife, Katherine. Mr. Majzoub explained that due to the anticipated expansion of his family, he needed increased dwelling space. He stated that the back of the lot has extensive ledge. He also said that in the winter, the bedroom over the garage is unusable as it is too cold.

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

Statement of Facts

The property in question is located at 22 Sunset Road, containing 14,269 square feet in a Single Residence District. A non-conforming dwelling exists on the property with a left side setback of 14.18 feet and a right side setback of 12.84 feet.

The petitioners request variances to allow the following additions: 1) enclosure of an existing screen porch approximately 12 feet by 9.1 feet to create a permanent room leaving a left side setback of 14.18 feet; 2) addition of a screen porch approximately 10.6 feet by 9 feet at the front corner of the building leaving a rightside setback of 12.78 feet; 3) conversion of the existing one-car garage

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approximately 10.6 feet by 19.2 feet to a permanent room leaving a right side setback of 12.84 feet; 4) addition of a deck approximately 30 feet by 16 feet at the rear of the building leaving a right side setback of 13.84 feet.

A letter was submitted by Joseph and Katherine Majzoub, dated June 24, 1987, explaining that construction in either the front or rear of the dwelling could not be considered due to extensive ledge in both areas. The Majzoubs presently have two children with a third expected in November, and are in need of expanded living space.

A Plot Plan was submitted drawn by George N. Giunta, Registered Land Surveyor, dated June 24, 1987.

Construction plans consisting of a First Floor Plan, a left side Elevation Plan and a right side Elevation plan were also submitted, together with four photos of the existing dwelling.

The Planning Board, at its regular meeting on June 30, 1987, "voted to offer no objection to the variance request for the deck and for the enclosure of the porch, as it appears there is no further encroachment. The Board opposes the conversion of the garage and the construction of the porch in front of the garage."

#### Decision

This Authority has made a careful study of the facts presented. The existing house is non-conforming to the present Zoning Bylaw. The dwelling comes to 14.18 feet of the left side line and 12.84 feet of the right side line.

It is the opinion of this Authority that the proposed enclosure of the existing screen porch does not provide further encroachment to the left side yard. It is the opinion of this Board that the addition of the screen porch at the front corner of the house, conversion of the existing one-car garage to a permanent room and the addition of a deck at the rear of the dwelling conform to the present lines of the house and do not alter the relationship of the house to the right side line.

It is the further opinion of this Authority that because of the shape of the lot, the existence of extensive ledge in the front and rear of the lot and the location of the house on the lot that a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is also the 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: 1) enclosure of an existing porch approximately 12 feet by 9.1 feet, said enclosure to come no closer than 14.18 feet to the left side line; 2) addition of a screen porch approximately 10.6 feet by 9 feet at the front corner of the building, said porch to come no closer than 12.78 feet to the right side line; 3) conversion of the existing one-car garage approximately 10.6 feet by 19.2 feet to a permanent room, said conversion to come no closer than 12.84 feet from the right side line; 4) addition of a deck approximately 30 feet by 16 feet at the rear of the dwelling, said addition to come no closer than 13.84 feet from the right side line, as shown in the Plot Plan drawn by George N. Giunta, Registered Land Surveyor, dated June 24, 1987.

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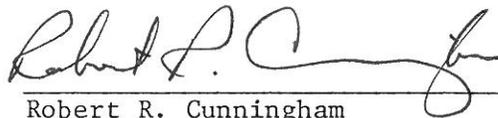
Petition of Joseph A. and Katherine S. Majzoub  
22 Sunset Road

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.

On July 30, 1987 the three member board hearing this case voted unanimously in favor of this decision. On August 22, 1987 Mr. Porter died without having affixed his signature to this decision.  
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.

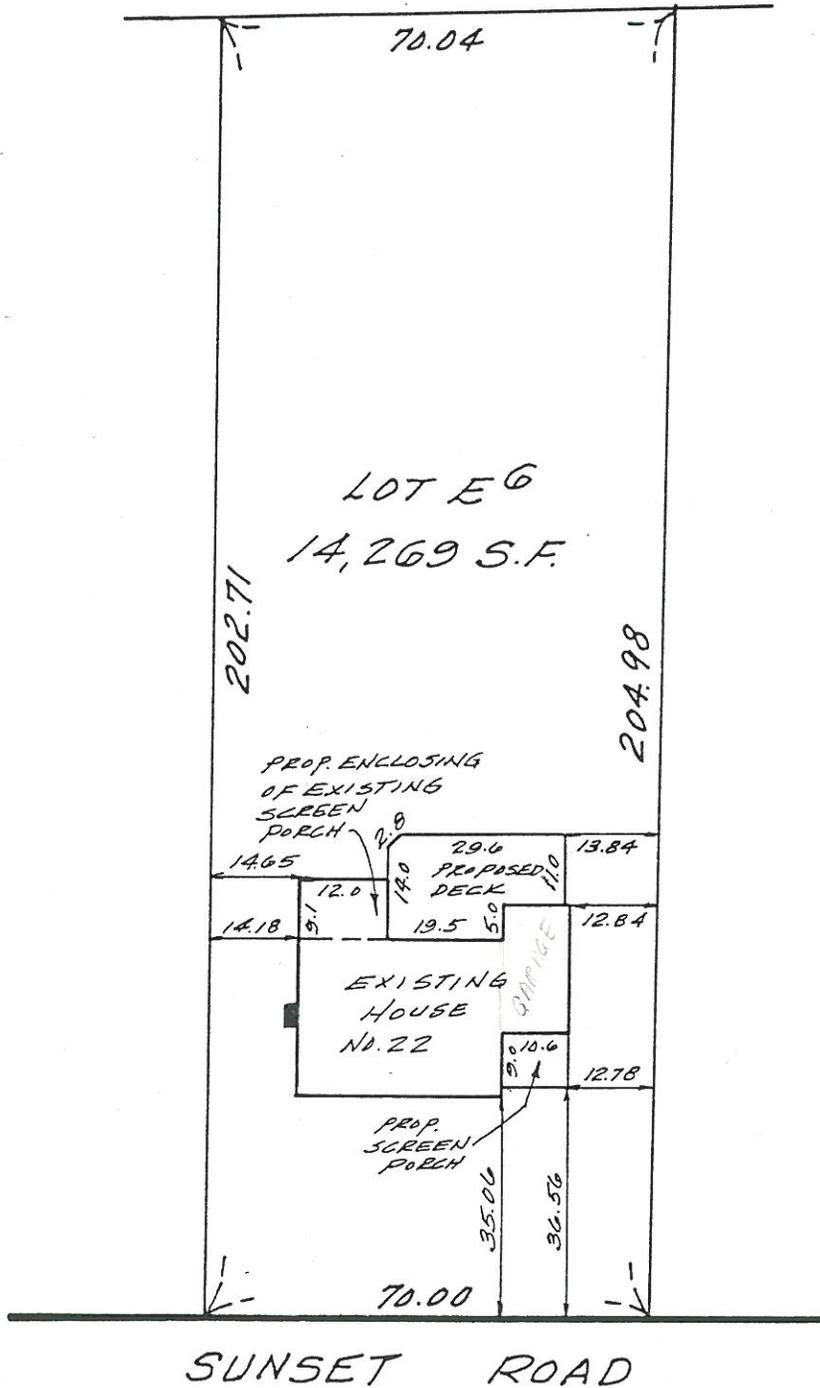
Stephen S. Porter, Chairman

  
Robert R. Cunningham

cc: Planning Board  
Inspector of Buildings

  
William E. Polletta

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TOWN CLERK'S OFFICE



RECEIVED  
DEPUTY REGISTRAR'S OFFICE  
WELLESLEY, MASS.  
JUN 30 11 07 AM '87

PLOT PLAN OF LAND  
IN

WELLESLEY ——— MASS.

JUNE 24, 1987 SCALE 1" = 30'

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

