TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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ZBA 87-62
Petition of Mitchell H. Jacobs
20 Colburn Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on August 27, 1987 in the Selectmen's Meeting Room (Conference Room B), of the Town Hall, 525 Washington Street, Wellesley, on the petition of MITCHELL H. JACOBS, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow replacement of an existing window in their non-conforming dwelling at 20 COLBURN ROAD with a bay window approximately 4 feet by 20 inches, leaving less than the required side yard on the northeast side of the property.

On August 3, 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 was Mitchell H. Jacobs who stated that the new window would encroach minimally on the lot line, but that the abutting neighbor had no objections.

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

Statement of Facts

The property in question is located at 20 Colburn Road in a Single Residence District containing 10,148 square feet of land. A non-conforming dwelling exists on the property with a side yard on the northeast side of the property of 7.30 feet. The petitioner proposes to replace an existing window with a bay window approximately 4 feet by 20 inches, leaving a northeast side yard of 5.63 feet.

A Plot Plan was presented, drawn by George N. Giunta, Registered Land Surveyor, dated June 20, 1987. A copy of the description of Anderson Perma-Shield Casement 45 degree Angle Bay Windows was also submitted.

The Planning Board, at its regular meeting of August 11, 1987, voted to offer no objection to the request.

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 7.30 feet on the northeast side line.

It is the opinion of this Authority that the proposed addition of a bay window is a de minimus encroachment and does not significantly alter the relationship of the house to said lot line.

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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 remove an existing window and replace it with a bay window approximately 4 feet by 20 inches, as shown in the plot plan drawn by George N. Giunta, Registered Land Surveyor, dated June 20, 1987, coming no closer than 5.63 feet to the northeast side lot line.

The Inspector of Buildings is hereby authorized to issue a permit for 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 OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

John A. Donovan, Jr., Temporary Chairman

Robert R. Cunningham

Franklin P. Parker

cc: Planning Board
Inspector of Buildings

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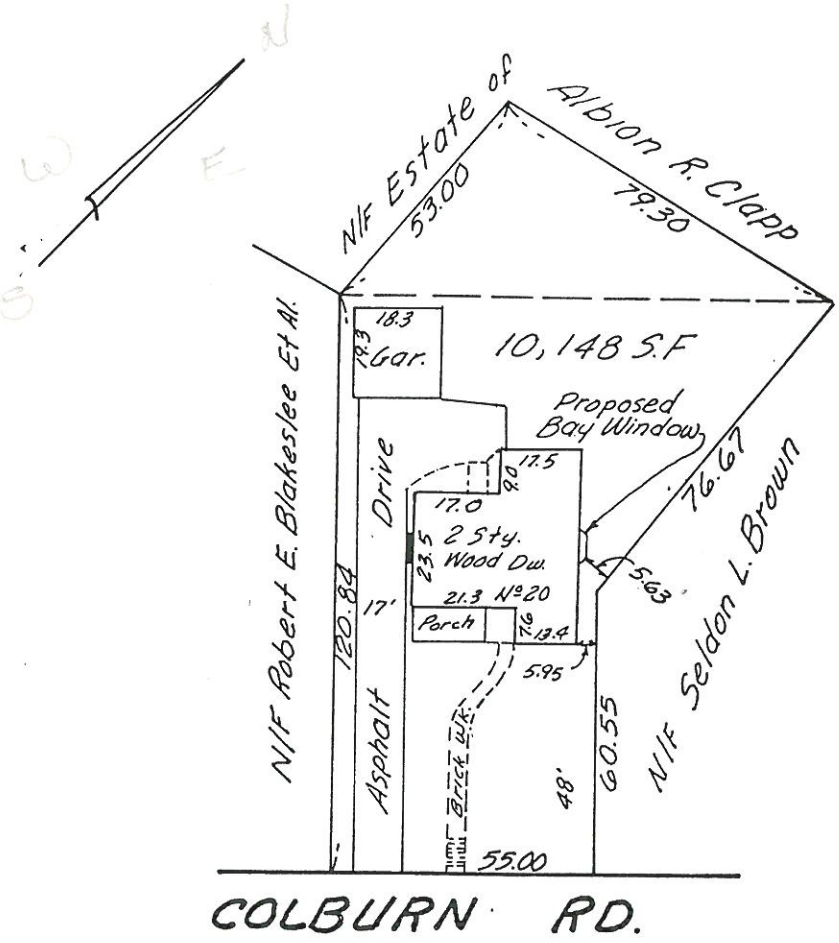

Bay window
4' x 20"

PLOT PLAN OF LAND
IN
WELLESLEY —— MASS.

June 20, 1987 Scale: 1" = 40'

NEEDHAM SURVEY ASSOC.
76 NEHOIDEN ST.
NEEDHAM, MASS.

COMMONWEALTH OF MASSACHUSETTS
GEORGE N. GIUNTA
No. 27011
REGISTERED LAND SURVEYOR

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