



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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431-1019

ZBA 87-65

Petition of Vincent L. Montali
50 Oak Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 27, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B), at the Town Hall, 525 Washington Street, Wellesley on the petition of VINCENT L. MONTALI requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow an addition to his non-conforming dwelling at 50 OAK STREET, said addition to include a kitchen/family room of approximately 25.1 feet by 18 feet and a deck of approximately 14 feet by 8 feet, leaving less than the required right side yard.

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 Joseph Grignaffini, contractor for Mr. Montali who was also present. Mr. Grignaffini stated that the additions would not result in further encroachment and that the removal of a pantry and kitchen on the left side of the house would bring that side into conformity whereas it is presently non-conforming.

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

Statement of Facts

The property in question is located at 50 Oak Street on a lot which is divided between General Residence and Single Family Residence, containing 16,966 square feet of land. A non-conforming dwelling exists on the property with a left side yard of 18.4 feet, a right side yard of 12.5 feet and a front setback of 28.6 feet.

The petitioner proposes the addition of a kitchen/family room of approximately 25.1 feet by 18.0 feet and an attached deck of approximately 14 feet by 8 feet at the rear of the dwelling, leaving a right side yard of 12.5 feet.

A Plot Plan was presented, drawn by Carmelo Frazetti, Registered Land Surveyor, dated July 6, 1987 and construction plans drawn by Wellesley Design Architectural Service dated July 20, 1987 and consisting of Elevations (A-1), Foundation and First Floor Plan (A-2) and Section representation (A-3).

The Planning Board, at its regular meeting of Tuesday, August 11, 1987, as stated in a letter of August 12, 1987, voted to offer no objection to the request.

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50 Oak Street

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 in that the dwelling comes to within 18.4 feet of the left side yard, 12.5 feet of the right side yard and a front setback of 28.6 feet.

It is the opinion of this Authority that the proposed addition of the kitchen/family room and the deck conform to the present lines of the house and do not alter the relationship of the house to the right side line. Furthermore, the removal of the pantry and kitchen on the left side of the house would provide 22.4 feet to the left side line, bringing that side of the property into conformity with the Zoning Bylaw.

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 kitchen/family room approximately 25.1 feet by 18.0 feet and a deck of approximately 14 feet by 8 feet, as shown on the Plot Plan by Carmelo Frazetti, Registered Land Surveyor, dated July 6, 1987, coming no closer than 12.5 feet from the right side lot line.

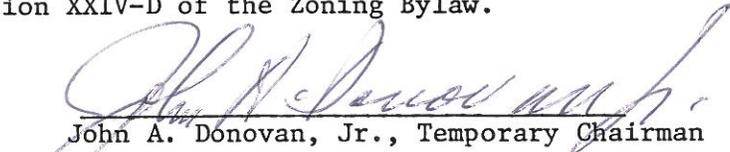
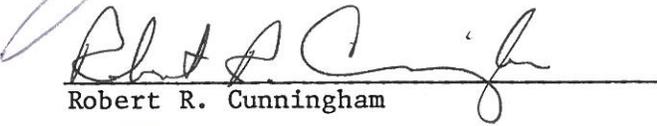
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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.

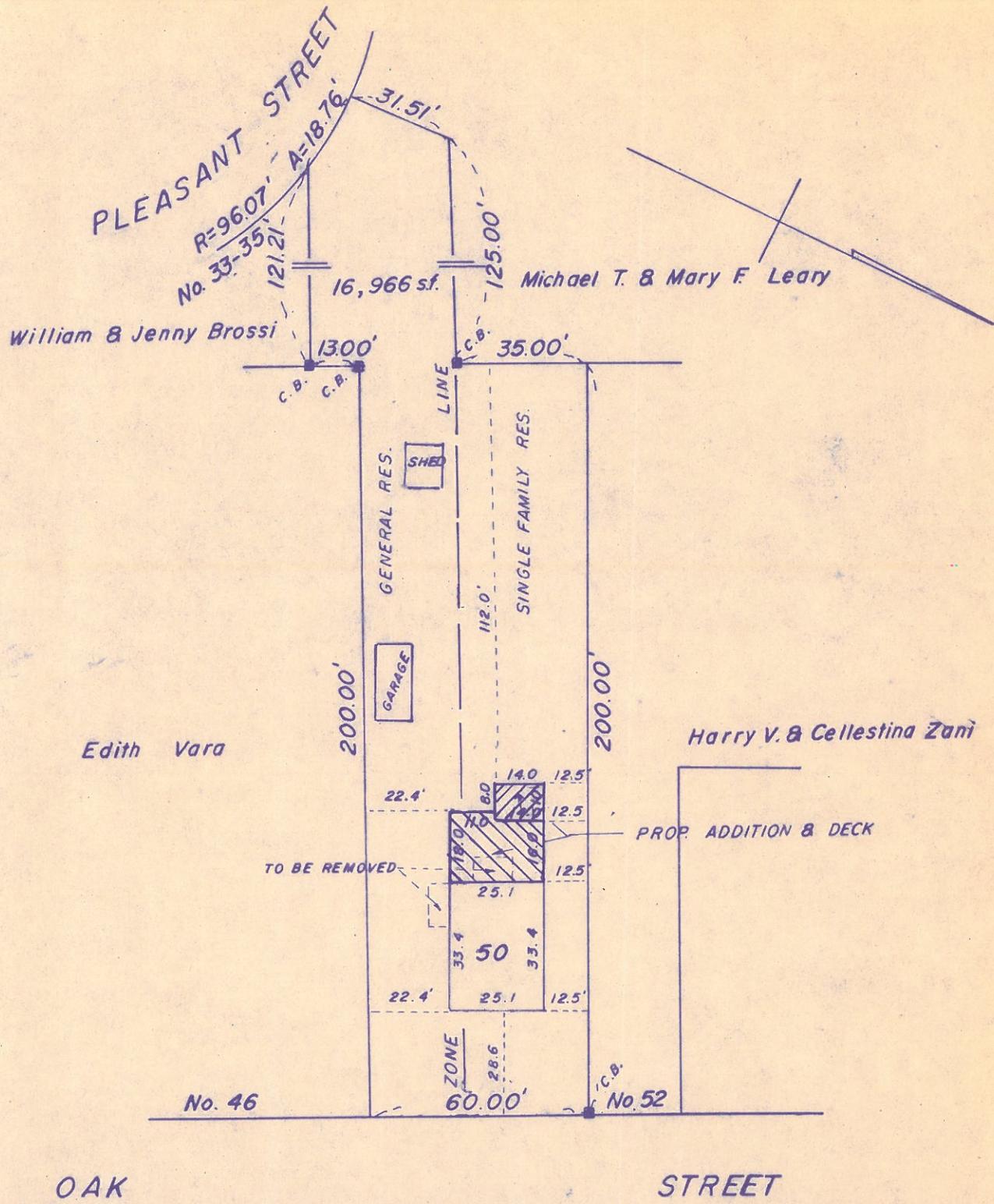
cc: Planning Board
Inspector of Buildings

edg


John A. Donovan, Jr., Temporary Chairman

Robert R. Cunningham

Franklin P. Parker

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PLAN OF LAND
 in
WELLESLEY, MASSACHUSETTS
 at
No. 50 OAK STREET

Owned by
Vincent Montali
 July 6, 1987
Carmelo Frazetti



Proposed Deck & Addition
 Scale: 1" = 40'
 Land Surveyor