



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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ZBA 88-75
Petition of George Calder, Jr.
18 Kendall Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 15, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of GEORGE CALDER, JR., requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow removal of an existing room and deck at the rear of his non-conforming dwelling at 18 KENDALL ROAD and replacement with an addition approximately 32.5 feet by 15.7 feet with less than the required left side yard. This petition was reheard on September 15, 1988 due to absence of a full Board at the August 25, 1988 Public Hearing which nullified said hearing.

On August 8, 1988, 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 George Calder, Jr., who stated that the deck and existing room would be removed and the proposed addition would square off the house. Although there is an encroachment, the addition follows the existing line of the house which is approximately 80 years old.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 18 Kendall Road, in a Single Residence District, on a 8,199 square foot lot with a minimum front setback of 14.5 feet and a minimum left side yard clearance of 13.1 feet.

The petitioner is requesting a variance to remove an existing deck and room and replace them with an addition approximately 15.7 feet by 32.5 feet which would leave a minimum left side yard of 12.1 feet.

A Plot Plan dated July 30, 1988, drawn by George N. Giunta, Registered Land Surveyor; construction plans and elevations dated July 28, 1988, drawn by John Ciccariello, Registered Architect; and photographs were submitted.

The Planning Board, on August 9, 1988, voted to oppose the variance request as the addition would further encroach on the inadequate side yard.

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Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed addition conforms to the present lines of the house. Due to the angle of the left side lot line, the left rear corner of the addition will encroach 1 foot further on the left side yard than the existing dwelling.

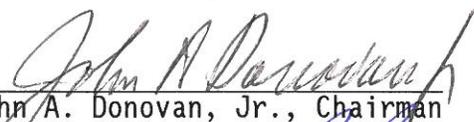
It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially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

Therefore, the requested variance is granted to construct the addition at the rear of the dwelling, said addition approximately 15.7 feet by 32.5 feet, coming no closer than 12.1 feet from the left side property line, subject to construction in accordance with the plot plan and construction plans as submitted and noted in the foregoing Statement of Facts.

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.

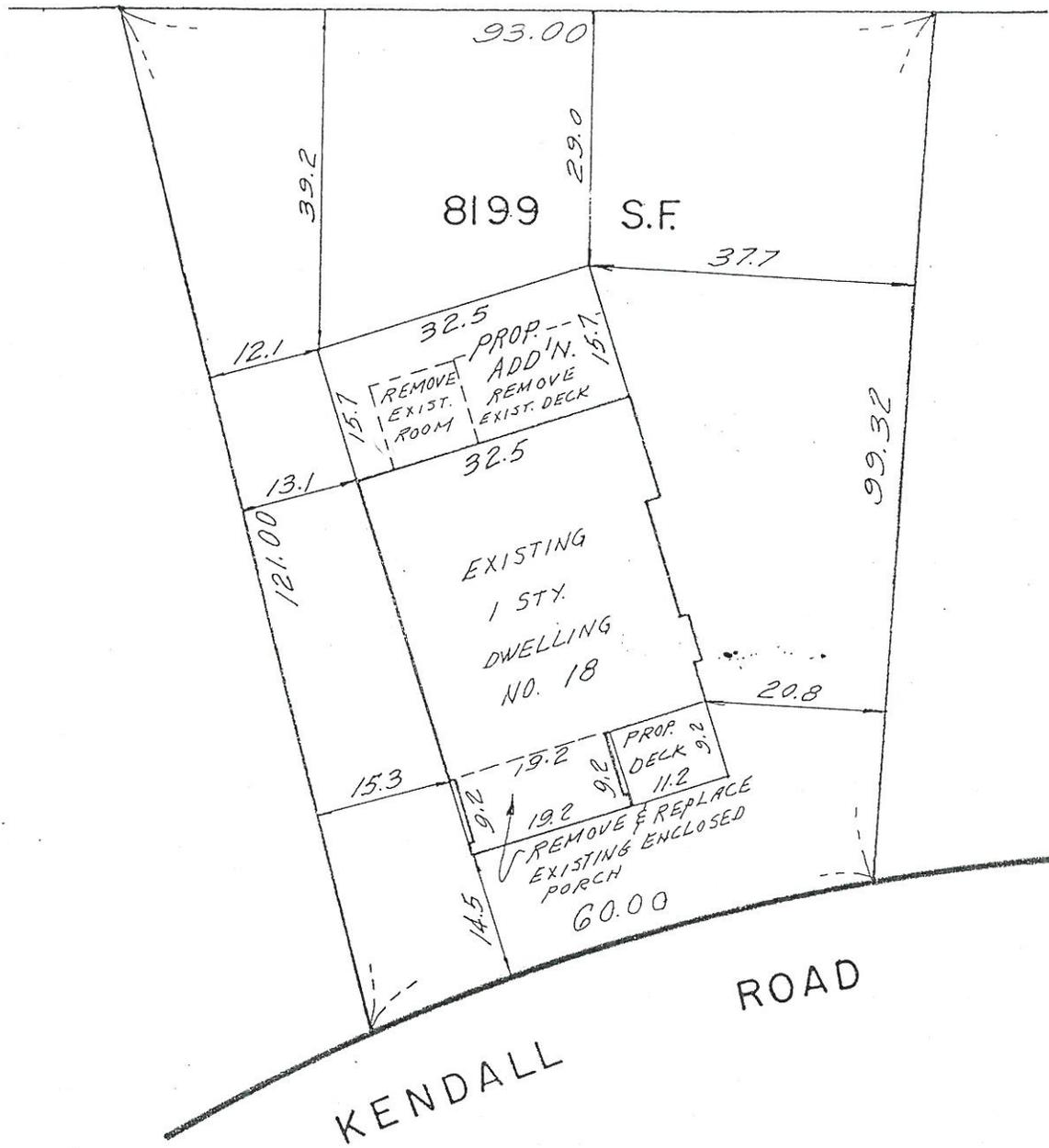

John A. Donovan, Jr., Chairman

Kendall P. Bates

cc: Planning Board
Inspector of Buildings
edg


William E. Polletta

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PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

JULY 30, 1988

SCALE 1" = 20'

NEEDHAM SURVEY ASSOCIATES
76 NEHOIDEN ST.
NEEDHAM, MASS.

