



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

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Executive Secretary
Telephone
431-1019



ZBA 88-76

Petition of Robert Weiner and Susan Brickman
18 Cleveland 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 ROBERT WEINER AND SUSAN BRICKMAN requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow removal of an existing porch approximately 8.2 feet by 11 feet 11 inches and construction of an addition approximately 18.2 feet by 11 feet 11 inches at the rear of their non-conforming dwelling at 18 CLEVELAND ROAD, in a Single Residence District, said addition leaving less than the required right 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 petitioners 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 Susan Brickman who said that the existing porch is pulling away from the house. She would like to remove the porch and extend the addition 10 feet for use as a family room. The addition would be an extension of the existing line of the house, but involves further encroachment on the right side yard due to the angle of the property line. The addition would overlook the abutting neighbor's driveway.

The Board recommended that the addition be reduced or moved 9 inches so that the addition would come no closer to the lot line than the existing house. A new plot plan reflecting this change would have to be submitted to the office of the Board of Appeals prior to any construction.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 18 Cleveland Road, in a Single Residence District, on a 6,933 square foot lot with a minimum right side yard clearance of 10.5 feet. The dwelling with the existing porch was constructed in 1937.

The petitioners request a variance to remove the existing porch and construct an addition approximately 18.2 feet by 11 feet 11 inches leaving a right side yard of 9.75 feet from the property line.

A Plot Plan dated June 17, 1988, drawn by John J. Regan, Registered Land Surveyor; undated construction plans and elevations drawn by Mitchell Goldman Associates; and photographs were submitted.

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The Wetlands Protection Committee issued a Negative Determination of Applicability on July 8, 1988.

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

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WETLANDS OFFICE
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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 at present the proposed addition conforms to the present lines of the house, but due to the angle of the right side lot line, would further encroach on an inadequate right side yard. However, it is the opinion of this Authority that the encroachment can be rectified without undue difficulty.

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

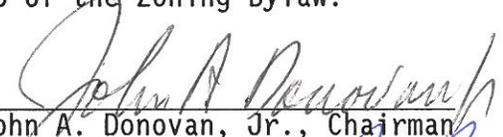
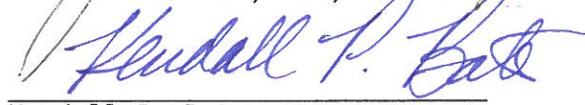
Therefore, the requested variance is granted to construct a one-story addition at 18 Cleveland Road subject to the following conditions:

1. That all new construction come no closer to the right side property line than the closest point on the right side of the existing foundation.
2. That a new Plot Plan be submitted to the office of the Board of Appeals showing the new location of the addition, all relevant dimensions of the addition, and all relevant building sideline setbacks from the right side property line.

Upon completion of the foregoing conditions, the Inspector of Buildings is then 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 AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

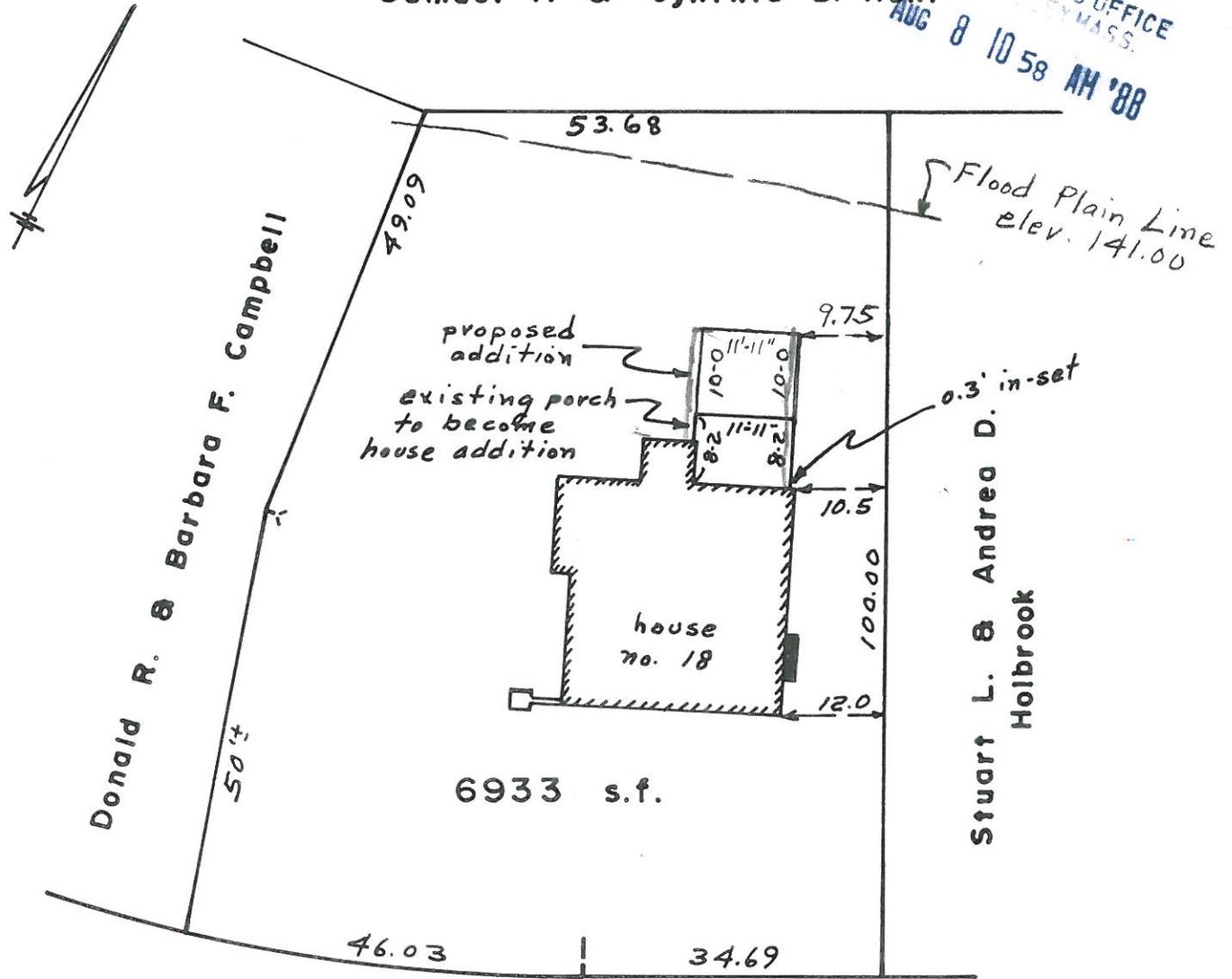

John A. Donovan, Jr., Chairman

Kendall P. Bates

cc: Planning Board
Inspector of Buildings
edg


William E. Polletta

Samuel P. & Cynthia B. Hunt

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TOWN CLERK'S OFFICE
WELLESLEY, MASS.
AUG 8 10 58 AM '88



CLEVELAND ROAD
PLAN OF LAND
IN
WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
ROBERT WEINER & SUSAN BRICKMAN
18 CLEVELAND ROAD
WELLESLEY

COMMONWEALTH OF MASSACHUSETTS
JOHN J. REGAN
NO. 7951
PROFESSIONAL LAND SURVEYOR
John J. Regan

SCALE 1 IN = 20 FT
JOHN J. REGAN
NEWTON HIGHLANDS

JUNE 17, 1988
LAND SURVEYOR
MASS.