TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

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SUMNER H. BABCOCK

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WELLESLEY, MA 02181
DEC 7 10 59 AM '88

ZBA 88-97
Petition of David and Kristina Weinberg
34 Leighton Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 17, 1988 at 8 p.m. in the Great Hall of the Town Hall, 525 Washington Street, Wellesley on the petition of DAVID AND KRISTINA WEINBERG 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 proch and construction of a two-story addition approximately 27 feet by 28 feet 4 inches at the rear of their non-conforming dwelling at 34 LEIGHTON ROAD, in a Single Residence District, with less than the required right side yard.

On October 31, 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 was David Weinberg, who said he had lived in the home since 1983. The home has three bedrooms and one and one-half baths. The addition would include a family room on the ground floor and two bedrooms on the second floor. The addition conforms to the existing line of the house.

No other persons had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 34 Leighton Road, in a Single Residence District, on a 9,135 square foot lot, with a minimum front setback of 29.3 feet and a minimum right side yard clearance of 9.7 feet.

The petitioners are requesting a variance to remove an existing porch and construct a two-story addition approximately 27 feet by 28 feet 4 inches at the rear of their dwelling which would leave a minimum right side yard clearance of 9.9 feet. The percentage of lot coverage would be 21.5 percent.

A Plot Plan dated October 25, 1988, drawn by John L. Noonan, Registered Land Surveyor; Construction Plans and Elevations dated October 20, 1988, drawn by Binkley Holser Architects; and photographs were submitted.

The Planning Board, on November 1, 1988, voted to offer no objection to the request.

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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 Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed two-story addition conforms to the present line of the house and will be less of an encroachment than the existing dwelling in relation to the right side lot line.

It is the further 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 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 build a two-story addition at 34 Leighton Road, subject to construction in accordance with the Plot Plan and construction plans submitted as detailed in the foregoing Statement of Facts, said addition coming no closer than 9.9 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.

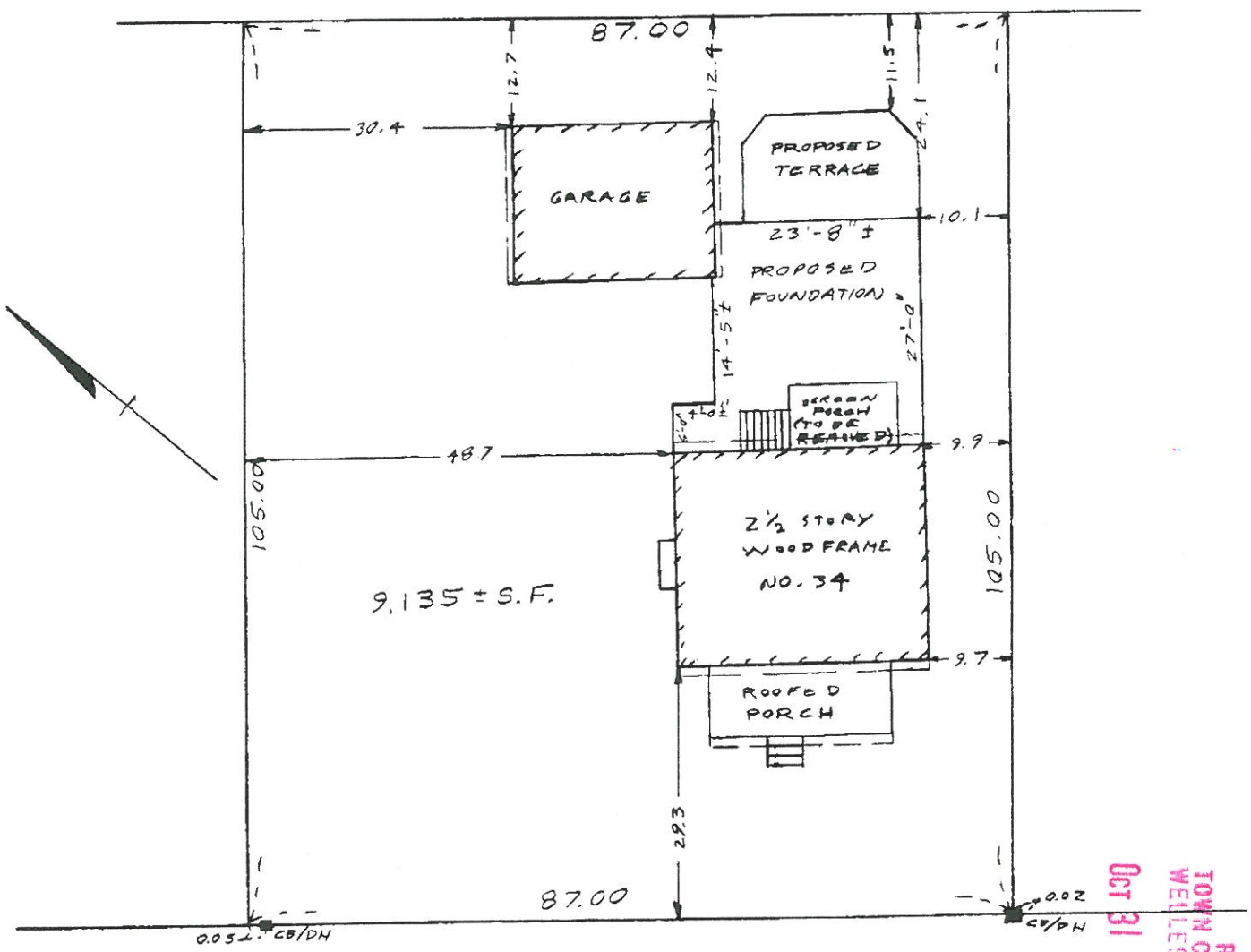
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

John A. Donovan, Jr., Chairman

Robert R. Cunningham

Kendall P. Bates

cc: Planning Board
Inspector of Buildings
edg



LEIGHTON ROAD

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WELLESLEY, MA 02181
Oct 31 10 47 AM '88

JOHN LAWRENCE NOONAN No. 33000

10/26/88
DATE

PROF. LAND SURVEYOR

PLOT PLAN
IN
WELLESLEY, MASS.
SCALE: 1 IN. = 20 FT. OCT. 25, 1988

NOONAN & MC DOWELL, INC.
SUITE 6, 25 BRIDGE ST.
BILLERICA, MA. 01821
(617) 667-9736

NOTE:
THIS PLOT PLAN IS THE PROPERTY OF NOONAN & MC DOWELL, INC. AND MAY NOT BE ALTERED.

JOB NO. 872