

TOWN OF WELLESLEY



MASSACHUSETTS

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WELLESLEY, MA 02181

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02182-5992

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ROBERT A. BASTILLE
CYNTHIA S. HIBBARD

ZBA 99-13

Petition of Victoria Heydari
52 Woodlawn Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 8, 1999 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 VICTORIA HEYDARI requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of the following additions to her nonconforming dwelling, with less than the required right side yard setback, at 52 WOODLAWN AVENUE, in a Single Residence District:

1. Replacement of a 16 foot by 20 foot deck with a one-story 16 foot by 20 foot addition.
2. Addition of a 3 foot by 9 inch window box.
3. Addition of a 4 foot by 4 foot landing
4. Addition of a chimney with a depth of 2 feet. All additions will have less than the required right side yard setback.

On March 22, 1999, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Victoria Heydari, who said she would like to replace the deck with a one-story den having the same dimensions. As the lot line veers in, the addition is conforming in the front, but minus 3 inches at the right rear corner. Due to the positioning of the house, access is difficult. She would like to add a back door and a 4 foot by 4 foot landing. She would also like to add a chimney and a window box on the right side.

The Board noted that the Planning Board had no objection to any of the requests.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 52 Woodlawn Avenue, in a Single Residence District, on a 10,206 square foot lot, with a minimum right side yard clearance of 19.9 feet from the right rear corner of the premises.

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The petitioner is requesting a variance for the following additions:

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1. Demolition of an existing 20 foot by 16 foot deck, with a minimum right side yard clearance of 19.9 feet, and construction a one-story addition with the same dimensions and right side yard setback
2. Construction of a chimney with a depth of 2 feet, with a minimum right side yard clearance of 18.4 feet.
3. Construction of a 4 foot by 4 foot landing and stair with a minimum right side yard clearance of 16 feet.
4. Construction of a 3 foot by 9 inch window box with a minimum right side yard clearance of 19.2 feet.

A Plot Plan dated 12/31/98, drawn by Wesley Guillaume, Registered Land Surveyor; Floor Plans and Elevations dated 2/6/99, drawn by Victoria Heydari; and photographs were submitted.

On April 5, 1999, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

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 for all four projects, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plot plan and construction drawings.

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

If the rights authorized by this variance are not exercised within one year of the date of grant of said 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.

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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

Kendall P. Bates

Kendall P. Bates, Chairman

William E. Polletta

William E. Polletta

Robert A. Bastille

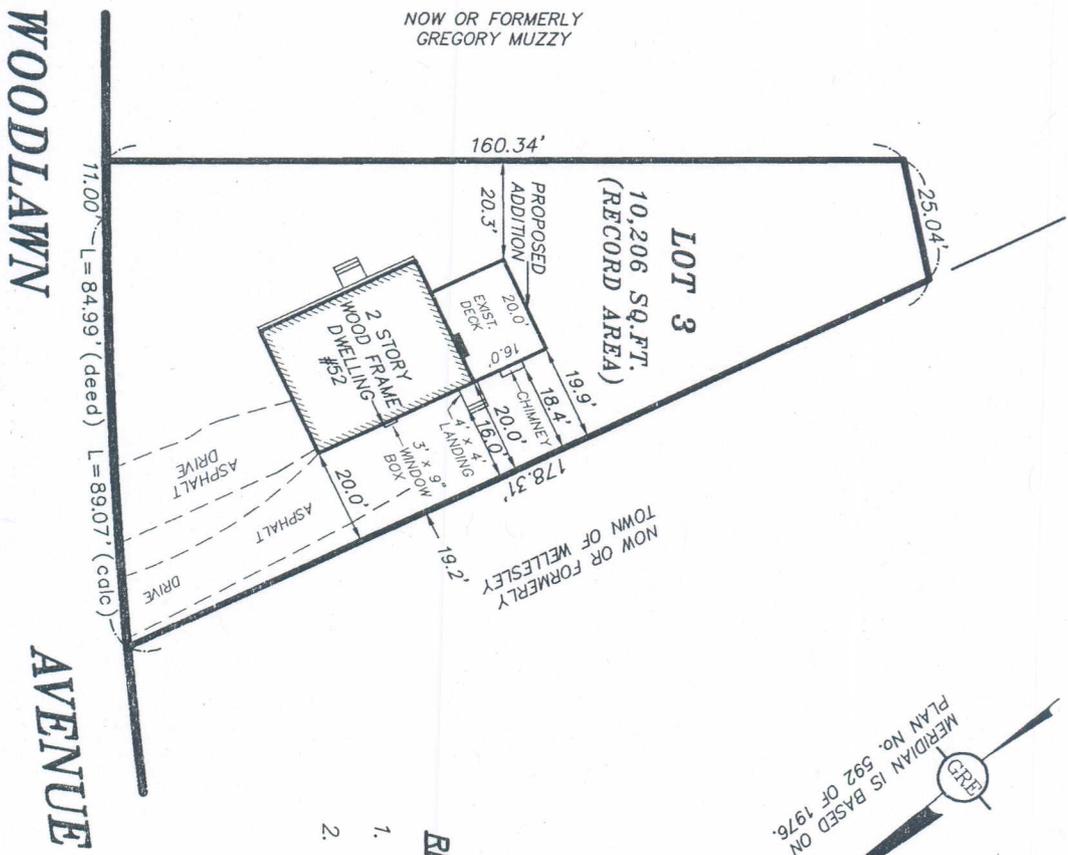
Robert A. Bastille

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1999 MAR 22 A 9:58



NOW OR FORMERLY
GREGORY MUZZY

LOT 3
10,206 SQ.FT.
(RECORD AREA)

WOODLAWN

AVENUE

11.00' L=84.99' (deed) L=89.07' (calc)

GRE
MERIDIAN IS BASED ON
PLAN No. 592 OF 1976

- REFERENCES:**
1. DEED IN BOOK 10614 AT PAGE 25.
 2. PLAN BOOK 256, PLAN No. 592.

NOTES:

1. PHOTO REPRODUCTION OF THE SEAL AND SIGNATURE BELOW IS INDICATIVE OF UNAUTHORIZED REPRODUCTION AND USE OF THIS PLAN. THE ENFORCEMENT AUTHORITY SHALL NOT ACCEPT A PHOTO REPRODUCTION FOR ANY PURPOSE.
2. THIS PLAN IS NOT TO BE USED FOR THE RECONSTRUCTION OF BOUNDARY LINES NOR FOR TITLE INSURANCE PURPOSES.
3. THIS PLAN DOES NOT REPRESENT A CONFIRMATION OF BOUNDARY LINES NOR A DETERMINATION OF TITLE BUT IS SOLELY INTENDED TO DEPICT THE OFFSET DIMENSIONS OF THE PROPOSED STRUCTURE TO THE LOT LINES AS DEPICTED ON A PLAN RECORDED IN PLAN BOOK 256, PLAN 592.
4. THE SUBJECT PROPERTY IS DEPICTED AS LOT 14B ON WELLESLEY ASSESSOR'S MAP 63
5. OWNERS OF RECORD ARE KAMBIZ AND VICTORIA M. HEYDARI, 52 WOODLAWN AVENUE, WELLESLEY, MA.
6. ALL OFFSETS SHOWN HEREON ARE TO THE NEAREST ONE TENTH (1/10) OF A FOOT.
7. ZONING IS SINGLE RESIDENCE 10.
8. EXISTING & PROPOSED OPEN SPACE: 72%
9. EXISTING LOT COVERAGE BY BUILDING: 10%
PROPOSED LOT COVERAGE BY BUILDING: 13%

PLOT PLAN of LAND
LOCATED IN
WELLESLEY, MASSACHUSETTS
(NORFOLK COUNTY)

PREPARED FOR
VICTORIA HEYDARI

SCALE: 1" = 30' DATE: DEC. 31, 1998
15 0 15 30 60

GRE
SURVEYING

24 Raymond Place, Winchester, MA 01890
Telephone 781-721-1944

Rev. 02-17-99 DWG No. 981206PP GRE No. 981206