

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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2000 JUN 28 A 8:19

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ZBA 2000-52
Petition of James and Carole Levin
5 Shaw Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 15, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of JAMES AND CAROLE LEVIN 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 a one-story 3.5 foot by 10 foot kitchen expansion with less than the required left side yard setback at their nonconforming dwelling with less than the required left side yard setback, at 5 SHAW ROAD, in a Single Residence District.

On May 30, 2000, the petitioners 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 Bramwell Young, the Levins' builder, who said he was before the Board on behalf of James and Carole Levin, who were not present due to an emergency with one of their children. Mr. Young said the Levins want to add a 3.5 foot by 10 foot bump-out on the kitchen to allow them more width in a long galley kitchen. The space would be used for appliances and additional counters. The expansion would be in line with the existing bump-out and would encroach an additional inch on the left side lot line.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 5 Shaw Road, in a Single Residence District, on a 10,883 square foot lot and has a minimum left side yard clearance of 13.8 feet.

The petitioners are requesting a variance to construct a one-story 3.5 foot by 10 foot addition with a minimum left side yard clearance of 13.7 feet.

A Plot Plan dated December 27, 1999, drawn by Joseph E. Marcklinger, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations drawn by The Bramshel Corporation; and photographs were submitted.

On June 6, 2000, the Planning Board reviewed the petition and recommended denial of the request.

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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 the proposed one-story addition conforms to the present lines of the house and that the additional encroachment of one inch on the left side lot line is de minimus.

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 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, as voted unanimously by this Authority at the Public Hearing, to construct the 3.5 foot by 10 foot one-story addition 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.

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, Chairman



William E. Polletta



Richard L. Seegel

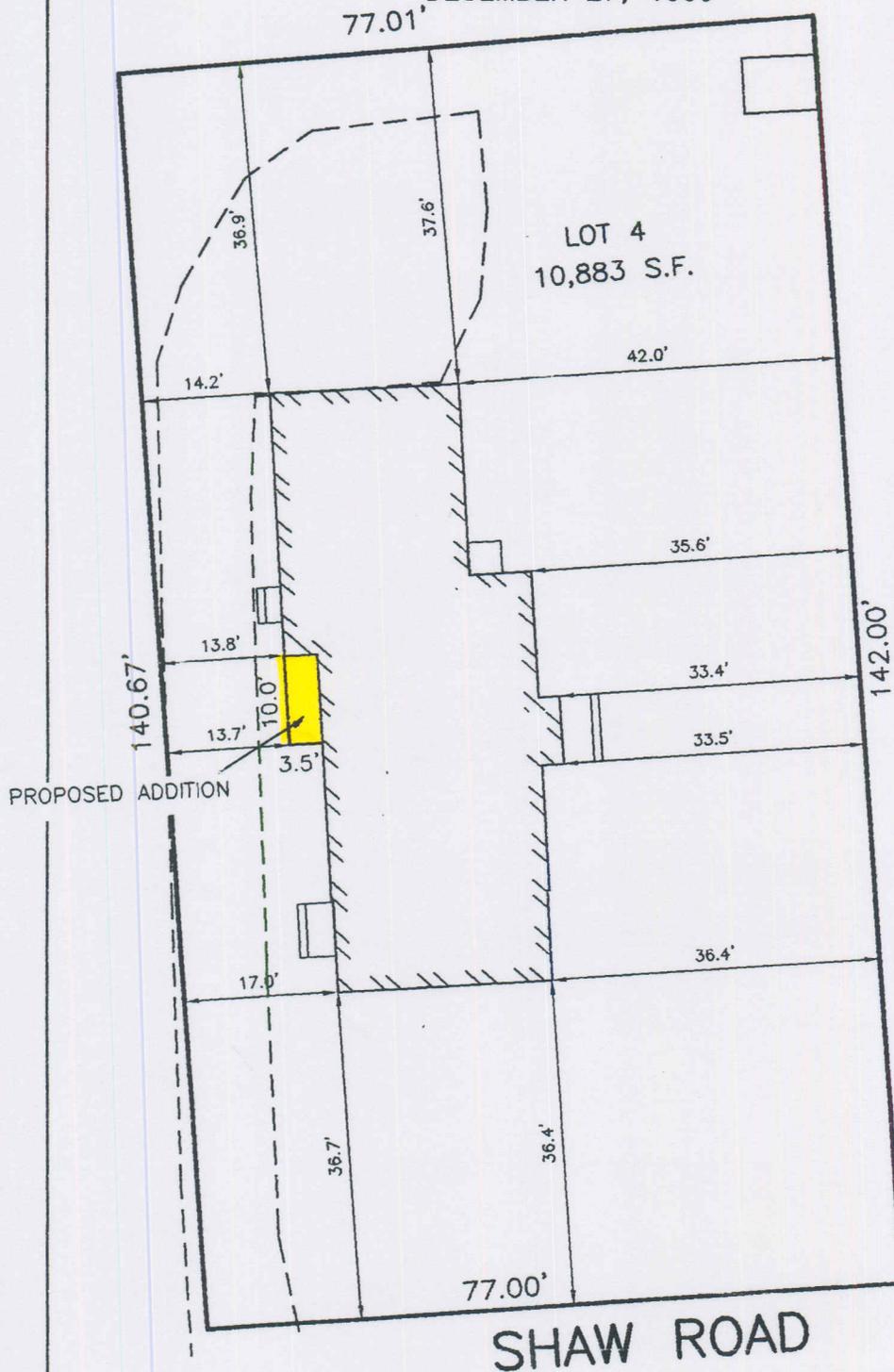
JIM AND CAROL LEVIN
5 SHAW ROAD
WELLESLEY, MA 02481

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2000 MAY 30 A 9:24

SCALE 1 IN. = 20 FT
DECEMBER 27, 1999

15.45% PROPOSED GROUND COVER
15.05% EXISTING GROUND COVER



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COMPANY
ENGINEERS & SURVEYORS

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PROJECT NO. 19948EX