



79-17

FRANCIS L. SWIFT, Chairman
WILLIAM O. HEWETT
WILLIAM E. POLLETTA
WILLIAM F. CULLINANE
FRANKLIN P. PARKER
JOHN A. DONOVAN, Jr.

ZONING BOARD OF APPEALS

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of Jacqueline S. Greene

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:10 p.m. on May 31, 1979, on the petition of Jacqueline S. Greene, requesting a variance from the terms of Section XIX of the Zoning By-law, which will allow her to construct an addition on the side of the dwelling at 21 Sunnyside Avenue with a side yard less than the required thirty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On May 14, 1979, the petitioner filed her request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Malcolm R. Greene and Jacqueline S. Greene spoke in support of the request at the hearing.

Ota A. Richter, 101 Mayo Road and Gayn Winters, 14 Oakdale Avenue, spoke in favor of the request at the hearing.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house was built in 1967, on a lot containing 10,010 square feet.

The petitioner seeks permission to construct an addition 14' x 20' on the northeasterly side of her dwelling, which if built, will provide a family room with a garage below.

It was explained that although the proposed addition will be 22.39' from the lot line on the side, the property abuts a paper street, and therefore, is required to be set back thirty feet. It was further explained that because the so-called paper street cannot connect with any public street, it is unlikely that it will ever be constructed as laid out.

The lot, it was stated, is irregular in shape, with a drain easement running through it, and because of this, it is not possible to construct an addition which will provide the space needed and comply with setback requirements of the Zoning By-law. The addition, if built, it was stated, will be hidden from the view of abutting property owners by wooded areas and will not alter the appearance of the house significantly.

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A plot plan was submitted, drawn by Alexander Crucoli, Land Surveyor, dated March 6, 1976, which showed the existing dwelling on the lot as well as the proposed addition.

Decision

The Authority has made a careful study of the evidence submitted and has taken a view of the locus.

It is the opinion of this Authority that there is a real need for the family room and garage which the proposed addition will provide and that the proposed location appears to be the most practical and feasible for it to be constructed.

The lot is irregular in shape and has a drain easement running through it, which leaves practically no space for an addition to be constructed which would comply with the zoning requirements. Also due to the topography of the lot, it appears that the proposed location is the most suitable place for it.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the shape and topography of the lot, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioner, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed addition as shown on the plan submitted and on file with this Authority.

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Francis L. Swift
Francis L. Swift

William O. Hewett
William O. Hewett

William F. Cullinane
William F. Cullinane

Filed with Town Clerk _____

Copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.

PLAN OF LAND

IN

WELLESLEY — MASS

Scale: 1" = 40' MARCH 6, 1976.

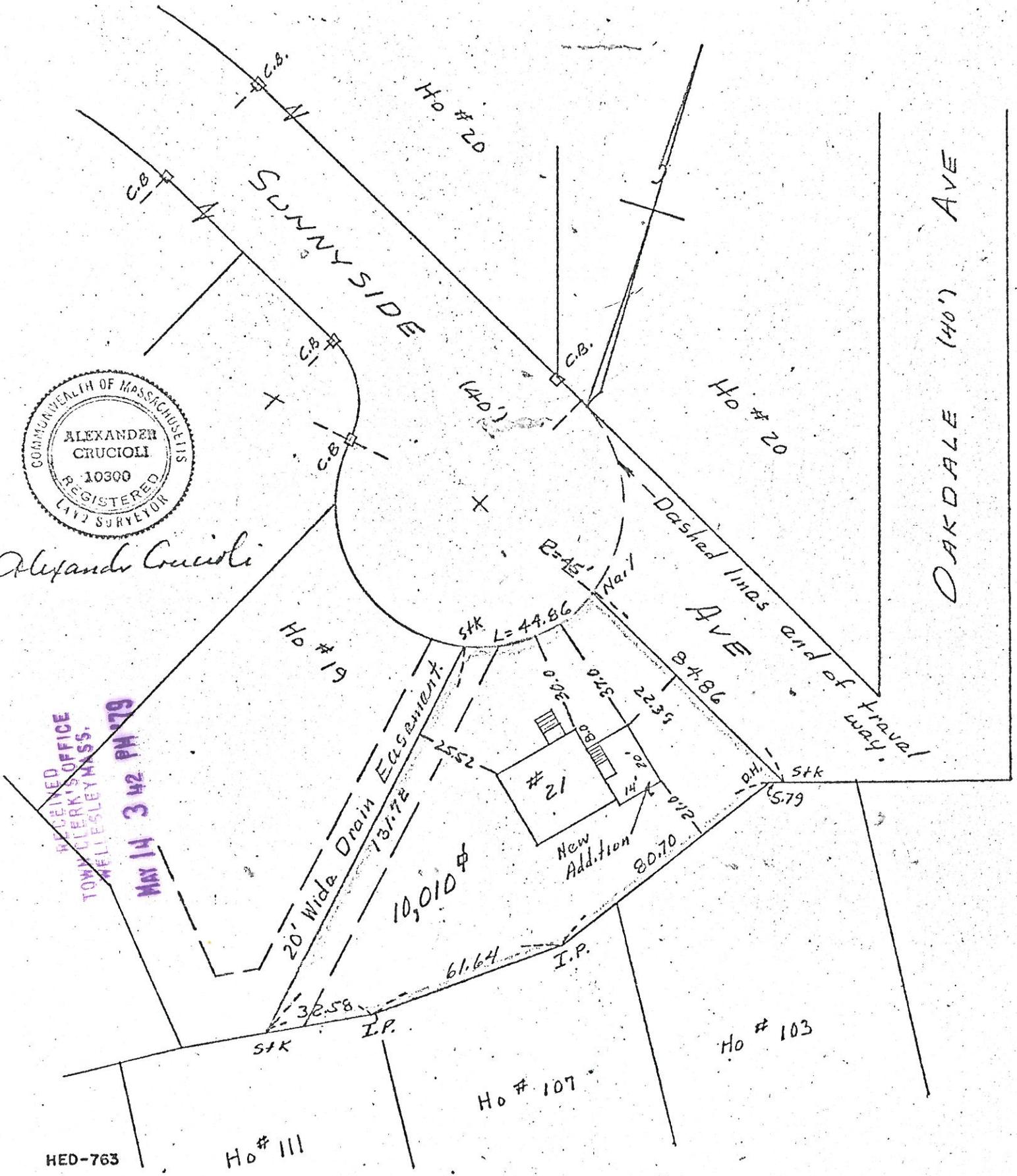
SURVEYOR

Alex. CRUCIOLI
ACRES-ENGRS. SURVRS, INC
6 Abbott Rd.
Wellesley Hills, Mass.



Alexander Cruciole

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