



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of David Sanford

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8:00 PM on Thursday, May 28, 1981 on the petition of David Sanford, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow a 10' x 31.5' two story addition onto the right side of the dwelling, consisting of a full basement, extension onto the livingroom with a fireplace, and additional space as required for the existing bedrooms at 31 Atwood Street, with a side yard of less than the required twenty (20) feet. Said request is made under the provisions of Section XXIV-D of the Zoning Bylaw.

On May 4, 1981 the petitioner filed for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and speaking on behalf of this request were David Sanford and his wife. Mr. Sanford stated at the hearing that the proposed addition will be on the right side of the dwelling, leaving a side yard of 10.5' from the addition to the property line. The closest house would then be 43' away from the proposed addition. Mr. Sanford stated that his was the only place on the lot which would accomodate this addition, the driveway being on the other side of the dwelling, and the house being placed in the middle of the lot with more space on the proposed side than any other place. The back of the house would not be possible as there is a den in the rear and would therefore not serve the intended purpose of the addition as you would have to travel through an existing bedroom to get to the room. Mr. Sanford contined that the land on the proposed side slopes and also has a root system from nearby trees running under it.

Sam Bower of 27 Atwood Street spoke out at the hearing stating that he was not for or against the proposed addition, he is simply concerned about the trees that presently exist along the property line. Mr. Bower stated that he would prefer that the trees that exist on the Sanford's property remain as they provide a barrier. Mr. Bower also expressed concern for an old Maple tree which exists on his property with roots running onto the Sanford's property where the proposed addition is to be located, Mr. Bower does not want to see the life of the tree curtailed due to the construction of this proposed addition.



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Statement of Facts

The property involved is located within a Single Residence District. The locus, 31 Atwood Street, is comprised of 10,041 square feet.

The petitioner seeks a variance to construct a two story addition 10' x 31.5' to the right side of his existing dwelling. This addition will include a full basement under, additional space to the existing livingroom with the addition of a fireplace, and additional space above for the two bedrooms. The proposed addition will bring the house to within 10.5' of the right property line. If the proposed addition is granted, the distance from the addition to the neighboring house will be 43'. It was stated in the application that "this particular land area is sloping with underground roots which prevent cultivation of land."

A Plot Plan, dated December 18, 1980, and drawn by John J. Caffrey, Registered Land Surveyor, was submitted with this petition indicating the dwelling and the proposed addition.

A letter dated May 21, 1981 was received from the Planning Board stating that the Planning Board "opposes the granting of this variance request on the basis that it represents an unreasonable encroachment on the required side yard."

Decision

This Authority has made a careful study of all the evidence submitted. At least one member of the Board has taken a view of the locus. This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D 1 a., as required by General Laws Chapter 40 A, Section 10 and this Authority believes in addition that the encroachment of the proposed addition on the right property line is very substantial.

It is the unanimous opinion of this Authority that this request for a variance be denied. This petition is hereby dismissed.

William F. Cullinane
William F. Cullinane, Chairman

John A. Donovan, Jr.
John A. Donovan, Jr.

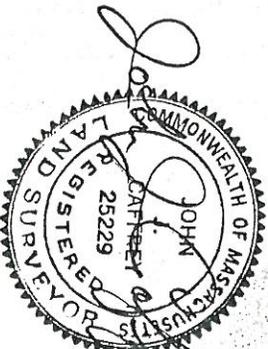
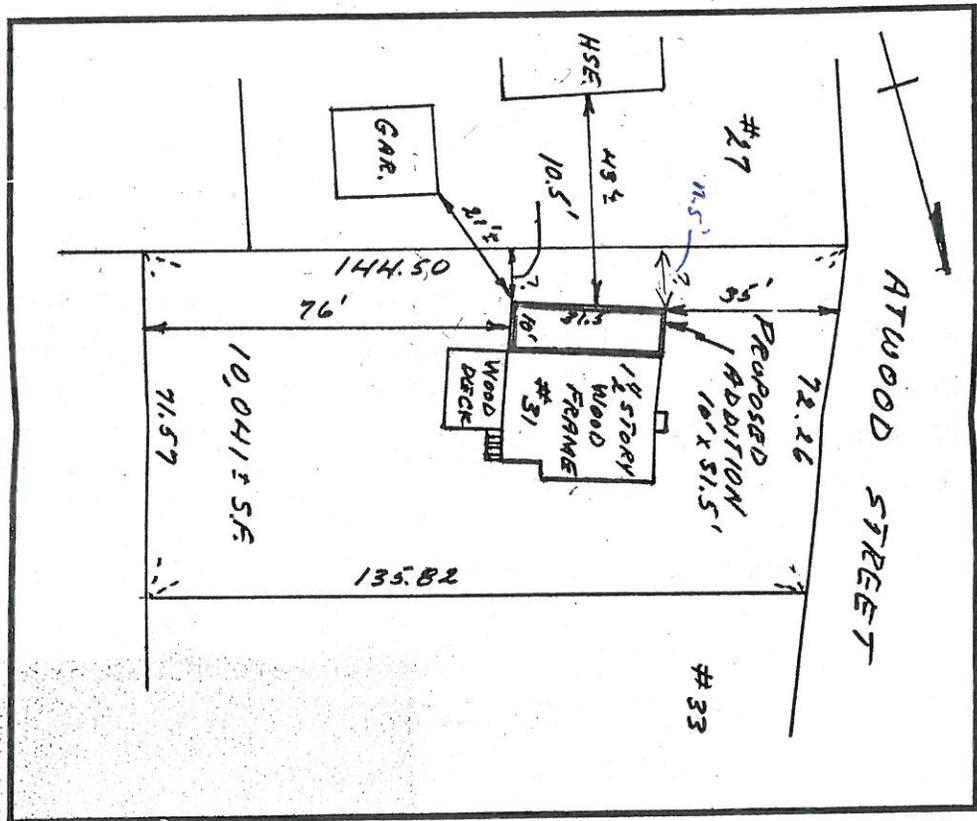
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