



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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Petition of Frank Hays

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, June 18, 1981 on the Petition of Frank Hays requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a second floor addition over an existing one floor structure at his residence of 49 Shore Road, with a rear yard of less than the required ten (10) feet. Said request was made under the provisions of Section XXIV-D of the Zoning Bylaw.

On May 20, 1981 the petitioner filed his request 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 was Frank Hays. The petitioner explained that it is his desire to construct a second story onto an existing one story structure. The structure is 34.4' x 23.7' and the proposed second story will sit directly on top. Mr. Hays stated that the rear of the house which is where this second story will be placed is tucked into the side of a hill. The petitioner also pointed out that the lot is extremely irregular in shape. The addition is needed as the family is growing in size.

There was nobody else present at the hearing speaking in favor or against this request.

Statement of Facts

The property involved is located in a Single Residence District. The locus, 49 Shore Road abutts Morse's Pond.

The petitioner seeks permission to construct a full second story addition onto the rear of his dwelling. The addition will provide a new bedroom and full bathroom.

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A Plot Plan was submitted, drawn by George N. Giunta, Registered Land Surveyor, dated May 19, 1981, showing the existing dwelling on the lot and indicating the location of the single story part of the dwelling where the proposed second story addition will go.

Construction Plans were submitted to this Authority, drawn by T. W. Woods and numbered 1 - 4, dated April 27, 1981, these plans detail the proposed second story addition.

A letter dated June 12, 1981 was received from the Planning Board stating that they offer "no comment on this petition based on the fact that there is no further encroachment on the side yard."

A letter dated May 26, 1981 was received from the Wetlands Protection Committee stating that "as long as there is no excavation or increase in impervious surface this work will not require filing with the Wetlands Protection Committee."

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Decision

The petitioner requests a variance to allow a full second story addition on an existing single story part of his dwelling at 49 Shore Road, as shown on the Plot Plan dated May 19, 1981 and submitted with this petition.

This Authority has made a careful study of the evidence submitted and at least one member has taken a view of the locus.

This Authority notes that the requested second story addition will not be any closer to the rear lot line than the existing dwelling is now. It is therefore, the unanimous opinion of this Authority that because of the shape and topography of the lot and the houses placement on it, a literal enforcement of the provisions of Section XXIV-D 1 a. of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw and without substantial detriment to the public good.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the second story addition as shown on the Plot Plan dated May 19, 1981 and filed with this Authority, subject to the following Condition:

1. That the Building Inspector certify the existing one story structure complies with all applicable codes and is suitable for the intended purpose prior to issuance of a Building Permit and written evidence of this be filed with this Authority.

William F. Cullinane  
William F. Cullinane, Chairman

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

Stephen S. Porter  
Stephen S. Porter

