



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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WELLESLEY, MASS.  
FEB 18 1 28 PM '83

82-62

Petition of Shirley L. Schorr

The Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, January 20, 1983 on the petition of Shirley L. Schorr, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the addition of a deck 12.2 feet by 16 feet with a walkway 3.9 feet by 13.9 feet to her dwelling at 103 Manor Avenue, leaving less than the required right side yard. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On December 28, 1982, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Shirley Schorr, who stated that the Schorrs built the deck without a permit, thinking that the builder had obtained the permit. The deck replaced a porch at the side door of the house. The porch was rotting away, so it was decided to rebuild it and extend a deck around to the rear of the house. The existing house is 16 feet from the right side yard per a variance granted in 1967.

Robert Schorr was present in support of the petition. No one was present in opposition to the request.

Statement of Facts

The property involved is located at 103 Manor Avenue, containing 8,078 square feet of land.

The existing dwelling was constructed in 1967. A variance was granted on the property to James McDonald on November 6, 1967 allowing a dwelling 26 feet by 28 feet to be constructed, leaving a left side yard of 16 feet and a right side yard of 16 feet.

Shirley L. Schorr, the present owner of the property, claims that a small porch existed on the right side of the house with steps leading from the kitchen door to the ground level. The porch was rotting away, so the Schorrs decided to replace it and extend a deck around to the rear of the house. A building permit was not obtained for the construction. The deck is totally completed.

Frederick E. Golden, Assistant Building Inspector, notified the petitioner on November 22, 1982 that the deck existed without a building permit and in violation of Section XIX dealing with Yard Regulations. Mrs. Schorr then filed application for a variance.

A Plot Plan was submitted, drawn by Sidney R. Vaughan, Registered Land Surveyor, of Cheney Engineering Co., dated December 5, 1982. Photos were also submitted.

The Planning Board, in a letter dated January 12, 1983, stated the following: "After discussion of this petition and application materials, the Planning Board moved, seconded and voted to recommend that, in view of the 1967 Zoning Board of Appeals decision to allow the house to be constructed with less than the required sideyards, the deck should extend no closer to the sideline than the house which is approximately 16 feet. It is understood that uncovered stairs are exempt from the sideyard setback requirements."

A letter was received by the Board of Appeals from Sylvia Lubin, 99 Manor Avenue, dated January 13, 1983, stating that she had no objection to the variance request.

#### Decision

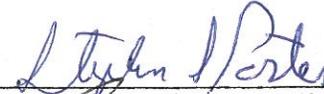
This Authority has made a careful study of the evidence presented. The dwelling in question was constructed with a variance from the Board of Appeals in 1967 allowing a left and right side yard of 16 feet.

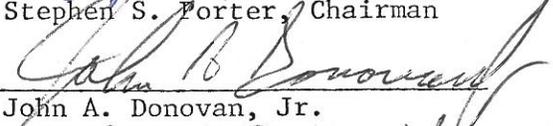
This Board is disturbed that the petitioner constructed the deck without obtaining a building permit. The Board frowns upon such violations of the town regulations, which were adopted for the protection of the community and the welfare of its citizens.

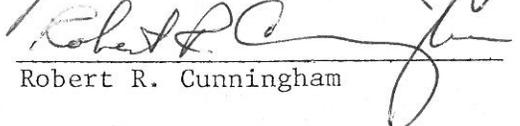
Stairs and a porch of less than 50 square feet existed on the right side of the house, and were exempt from sideyard requirements. This Board is of the opinion that the original stairs and porch could have been replaced without a variance. A deck on the rear of the dwelling would also be allowed if the sideline requirements were met. The extension of the side porch as a walkway to the rear deck and part of the rear deck do require a variance, because they do not meet the sideline requirements. In situations similar to this case, this Board has, on numerous occasions, granted variances on non-conforming structures if the existing lines of the house were maintained. In this particular case, the added space is the walkway from the back stairway to the deck at the rear of the dwelling.

This Board is of the opinion that the petitioner has a hardship because of the location of the house on the lot, and that the walkway to the deck is needed. Furthermore, denying the request would be a hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted and the Inspector of Buildings is authorized to issue a permit for the deck construction as described on the Plot Plan submitted to this Board, dated December 5, 1982, said deck being 12.2 feet by 16 feet with a walkway 3.9 feet by 13.19 feet.

  
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 Stephen S. Porter, Chairman

  
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 John A. Donovan, Jr.

  
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 Robert R. Cunningham

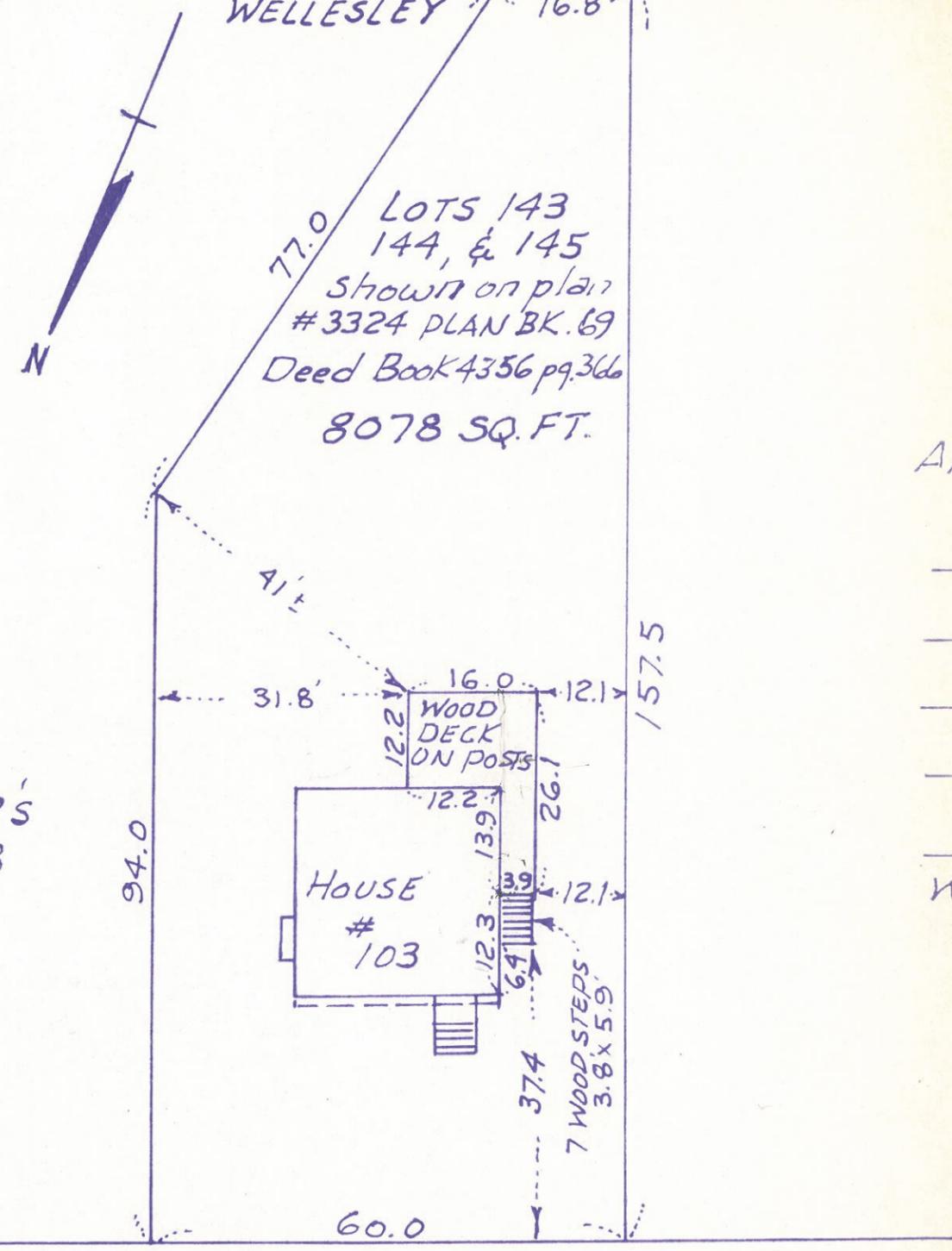
FEB 14 1 28 PM '83

PLANNING BOARD OFFICE  
 100 STATE STREET  
 WASHINGTON, MASS.

WESTON WELLESLEY 16.8 TOWN LINE

# PLAN OF LAND IN WELLESLEY, MASS.

SCALE: 1 INCH = 20 FT. CHENEY ENGINEERING CO, INC.  
DEC. 5, 1982 NEEDHAM, MASS.



LOTS 143  
144, & 145  
shown on plan  
#3324 PLAN BK. 69  
Deed Book 4356 pg. 366  
8078 SQ. FT.

ASSESSOR'S  
PLAN 203

MANOR AVE.

APPROVED:

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\_\_\_\_\_  
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WELLESLEY BOARD OF APPEALS  
DATE \_\_\_\_\_



I CERTIFY THIS PLAN  
CONFORMS TO THE RULES  
AND REGULATIONS OF  
THE REGISTERS OF DEEDS

Sidney R. Vaughan

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MASS.  
DEC 28 1 36 PM '82