

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAMMARY ANN McDOUGALL
Executive Secretary
Telephone
235-1664WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

83-32

Petition of Stephan and Patricia Ellenwood

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, June 23, 1983, on the petition of Stephan and Patricia Ellenwood, requesting a variance from Section XIX of the Zoning Bylaw which will allow the construction of a one-story addition approximately 20 feet by 28 feet to their dwelling at 15 Madison Road, leaving less than the required left side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On June 2, 1983, the petitioner filed for a hearing before this Board and thereafter due notice of the hearing was given by mail and publication.

Presenting the case at the hearing was Stephen Ellenwood, who presented a letter of support from the immediate neighbors, Cynthia M. Crofts-Wisch and Jeffrey Wisch, 19 Madison Road. Mr. Ellenwood states that his proposed addition would continue the existing lines of the house. The lot line is not parallel with the house, however, so the proposed addition would encroach on the lot line.

Other than the petitioners, no one was present at the hearing favoring or opposing the petition.

Statement of Facts

The property in question is located at 15 Madison Road, containing 13,623 square feet of land. The existing dwelling conforms to the yard requirements of the Zoning Bylaw.

The proposed addition would extend 16 feet to the rear of the lot and continue the existing lines of the house. However, the left side lot line is not parallel with the house, so the proposed addition encroaches on the lot line, leaving 18.5 feet at the left rear corner. The addition would be one-story, creating a larger kitchen and family room. The petitioner claims that the irregular shape of the lot and the unusual location of the house on the lot constitute a hardship.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated April 27, 1983. Construction drawings by

Frank A. Zitomersky, Architect, Wellesley, dated May 30, 1983 were also submitted.

The Planning Board, in a letter dated June 17, 1983, stated the following: "The Planning Board is opposed to the granting of this variance request. In our opinion, it does not appear that the lot conditions are so unusual as to justify the granting of a variance."

A letter of support was received from Linda V. Hubeny, 21 Madison Road, dated June 27, 1983.

Decision

This Authority has made a careful study of the evidence submitted.

Variances may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

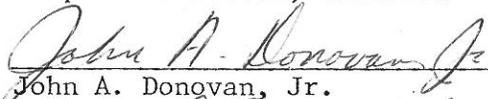
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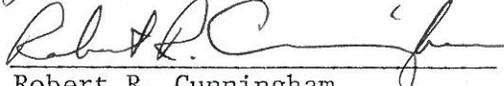
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to i) soil conditions ii) shape, or iii) topography of such land or structures,AND
- b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D.

Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.


Stephen S. Porter, Chairman

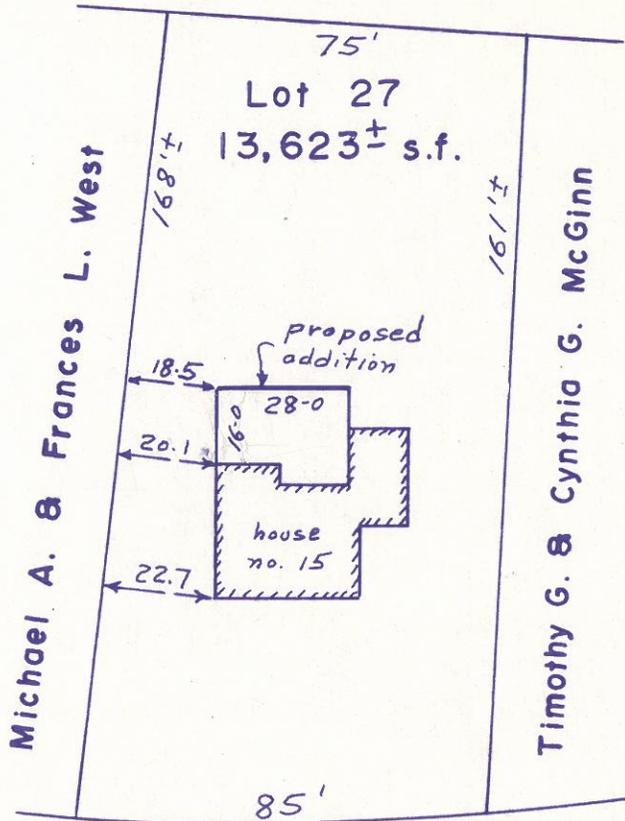

John A. Donovan, Jr.


Robert R. Cunningham

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AUG 11 1983
MAM

AUG 9 9 17 AM '83

Town of Wellesley



Michael A. & Frances L. West

Timothy G. & Cynthia G. McGinn

MADISON ROAD



John J. Regan

PLAN OF LAND
IN
WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
STEPHAN E. & PATRICIA K. ELLENWOOD
15 MADISON ROAD
WELLESLEY

RECEIVED
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WELLESLEY MASS.
JUN 2 3 47 PM '83

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

APRIL 27, 1983
LAND SURVEYORS
MASS.