



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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83-36

Petition of Lawrence E. Corda

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 30, 1983, on the petition of Lawrence E. Corda, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a two-story dwelling approximately 64 feet by 30 feet at 2 Peck Avenue (Lot E 1) at the corner of Seaver Street, leaving less than the required right side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On June 10, 1983, 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 Lawrence Corda, who stated that he bought the property at 6 Peck Avenue and the lot at 2 Peck Avenue eight years ago. The two lots were subdivided prior to 1916, the house at 6 Peck Avenue was built in 1935. He now needs a larger house and proposes to build at 2 Peck Avenue, but because of topographical features of the land, the house would be located 12.4 feet from the side line, bordering 6 Peck Avenue. Mr. Porter noted that if the front of the house were considered to be on Seaver Street, a rear yard of 10 feet would be required (bordering on 6 Peck Avenue) and a variance would not be necessary. If the frontage is on Peck Avenue, the right side yard requirements are 20 feet and a variance would be necessary. The Building Inspector stated that he would not issue a building permit for the proposed dwelling, interpreting the frontage to be on Peck Avenue and the right side yard requirements to be twenty feet.

Present at the hearing in favor of the request were Mrs. Paltrineri, 47 Park Avenue, Salvatore Simone, 9 Peck Avenue, Mr. Al Kaufman, 55 Park Avenue, asked if it would be used as a two-family house. Zoning would not allow that use in Single Residence Districts.

Statement of Facts

The property in question is located at 2 Peck Avenue, at the corner of Seaver Street, known as lot E-1, containing 10,012 square feet of land, in a Single Residence District. The property is recorded in the Norfolk Registry District, Land Court #5646C, Certificate #36489, Book 183.

In June, 1974, Joan and Lawrence Corda purchased the property at 6 Peck Avenue, containing a dwelling which they have occupied for eight years, and the adjoining lot at 2 Peck Avenue. The two lots were subdivided prior to 1916 but held in common ownership.

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The house at 6 Peck Avenue was built in 1935 and the lot contains 8,782 square feet of land. The 10,000 square foot lot requirement went into effect in 1937. Mr. and Mrs. Corda now wish to build a larger dwelling, approximately 64 feet by 30 feet, at 2 Peck Avenue. The proposed dwelling would front on Peck Avenue, leaving a right side yard of 12.4 feet at the closest point and approximately 15.5 feet at the front right corner.

A variance is requested due to topographical features of the lot. There is a steep grade at the rear and right sides of the lot and the fact that the lot is a corner lot requires a 30 foot setback from Seaver Street and Peck Avenue.

A Plot Plan was submitted, drawn by Alfred J. Ewald, Registered Land Surveyor, of Ewald Engineering Company, Inc., Framingham, dated 5/17/83. Construction drawings were also submitted as were photos of the topographical features of the lot, and a copy of the mortgage and description of the property.

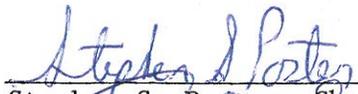
The Planning Board, in a letter dated June 30, 1983, stated that it is opposed to the request for a variance.

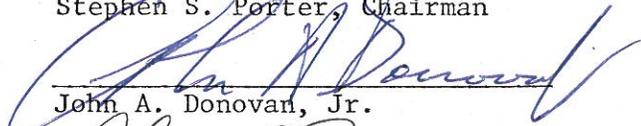
Decision

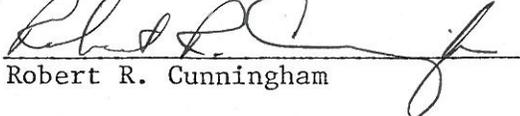
This Authority has made a careful study of the evidence submitted. The petitioner is requesting a variance to build a dwelling at 2 Peck Avenue at the corner of Seaver Street. The Building Inspector is of the opinion that the proposed dwelling is fronting on Peck Avenue, and that the right side yard requirements have not been met. The proposed right side yard would be 12.4 feet.

It is the unanimous opinion of this Authority that because of the topographical conditions affecting this lot and because it is a corner lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief can be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct a dwelling at 2 Peck Avenue of approximately 64 feet by 30 feet as shown on the Plot Plan drawn by Alfred J. Ewald, Registered Land Surveyor, dated 5/17/83, fronting on Peck Avenue, leaving a right side yard of 12.4 feet. The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

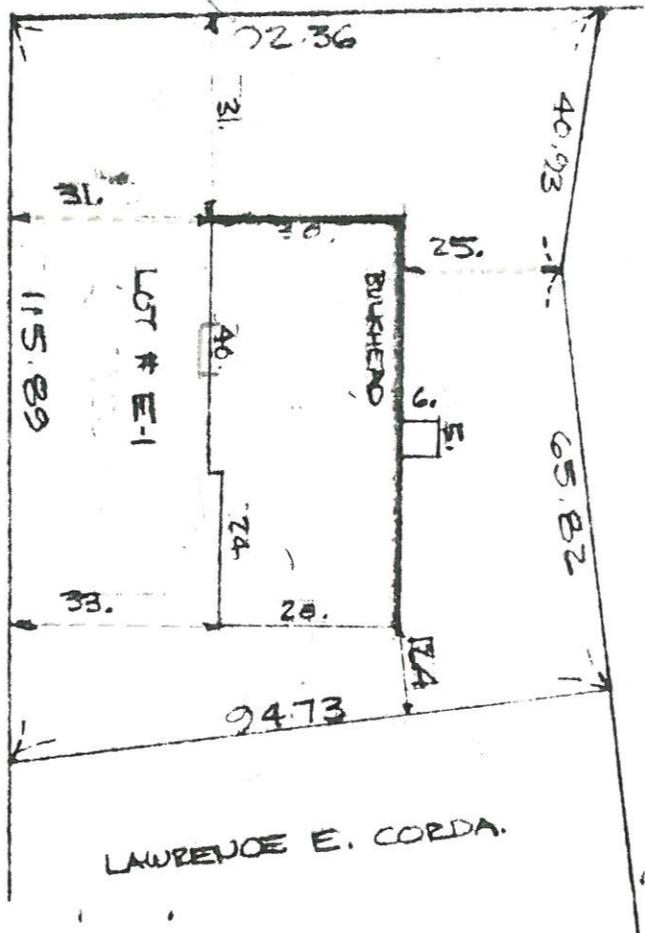

 Stephen S. Porter, Chairman


 John A. Donovan, Jr.


 Robert R. Cunningham



SEAVER ST.



N. ORF KINGSBURY

L.C. # 5660C MERIDIAN

LAWRENCE E. CORDA.

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RECEIVED
LAND SURVEYOR'S OFFICE
FRAMINGHAM, MASS.

Alfred J. Ewald

PECK AVENUE

2 Peck Ave Lot E-1 10,012 sq. ft.
6 Peck Ave 8,782 sq. ft.

ZBA
PLOT PLAN OF LAND
IN
WELLESLEY

SCALE: 1"=30' DATE: 5.17.83

EWALD ENGINEERING CO., INC.
ENGINEERING CONSULTANTS
FRAMINGHAM, MASS.

DATE
THIS PLAN IS NOT TO BE USED FOR DESCRIPTIVE PURPOSES
FOR THE LAYING OUT OF PROPERTY LINES, FENCES, AND
OR MAY NOT BE BASED ON AN INSTRUMENT SURVEY.

EXISTING STRUCTURE SHOWN HEREON IS APPROXIMATELY
BASED ON THE GROUND AS SHOWN AND MEETS
REQUIREMENTS OF ZONE
REQUIREMENTS OF ZONE
REQUIREMENTS OF ZONE