



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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83-37

Petition of Lillian and Joan Goldsberry

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 Lillian and Joan Goldsberry, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of an unattached screenhouse in the rearyard of their property at 8 Strathmore Road at the corner of Dorset Lane, said screen house being approximately 13 feet by 15 feet, leaving less than the required setback from Dorset Lane and less than the required rearyard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On June 10, 1983, the petitioner filed a request for a public hearing and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Joan Goldsberry, who stated that a temporary screenhouse had been erected on the site years ago, but they now wish to erect a permanent screenhouse on the existing concrete slab. Their property is at the corner of Dorset Lane, shielded by trees from the dirt road. They would only use the screenhouse in the summer. The Board of Appeals requested letters of support from the abutters.

Present at the hearing in favor of the request was Mary Zucchelli, 37 Park Avenue.

Statement of Facts

The property involved is located at 8 Strathmore Road at the corner of Dorset Lane, containing 10,010 square feet of land, in a Single Residence District.

The petitioner proposes to construct an unattached permanent screenhouse 15 feet by 13 feet on an existing concrete slab foundation at the left rear corner of the property. A collapsible screenhouse had previously been used at the same site each summer.

The property fronts on Strathmore Road. Dorset Lane, a dirt road and public way, borders the property and wraps around the rearyard in the area of the proposed structure. The required setback for a structure is 30 feet from Dorset Lane. The proposed setback would be 9.82 feet on the westerly side of the structure, and 7.8 feet on the northerly side.

A Plot Plan was submitted, drawn by John J. Regan of Apex Associates, Newton Highlands, dated May 24, 1983. Construction sketches were also submitted.

The Planning Board, in a letter dated June 30, 1983, stated it has no objection provided the screenhouse remains a screenhouse and at no time in the future should the structure be converted or modified to provide housing quarters.

A letter of support was received from Elizabeth Lucenta, abutter, 2 Lawrence Road, as requested by the Board.

Decision

This Authority has made a careful study of the evidence presented. The particular property in question is unique in that Dorset Lane, a public way but a dirt road, wraps around the area of the rearyard in which the petitioner proposes to erect a permanent free-standing screenhouse.

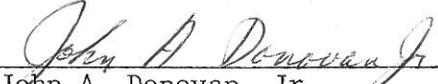
It is the unanimous opinion of this Authority that, because of the configuration of the lot in relationship to the street, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore the requested variance is granted to construct a permanent screenhouse 13 feet by 15 feet as shown on the Plot Plan drawn by John J. Regan of Apex Associates, dated May 24, 1983, coming no closer than 9.82 feet from Dorset Lane on the westerly side of the lot and 7.8 feet from Dorset Lane on the northerly side of the lot. At no time in the future should the structure be converted or modified to provide housing quarters.

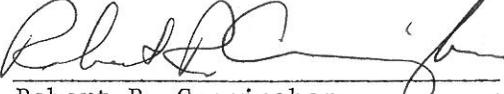
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.



Stephen S. Porter, Chairman

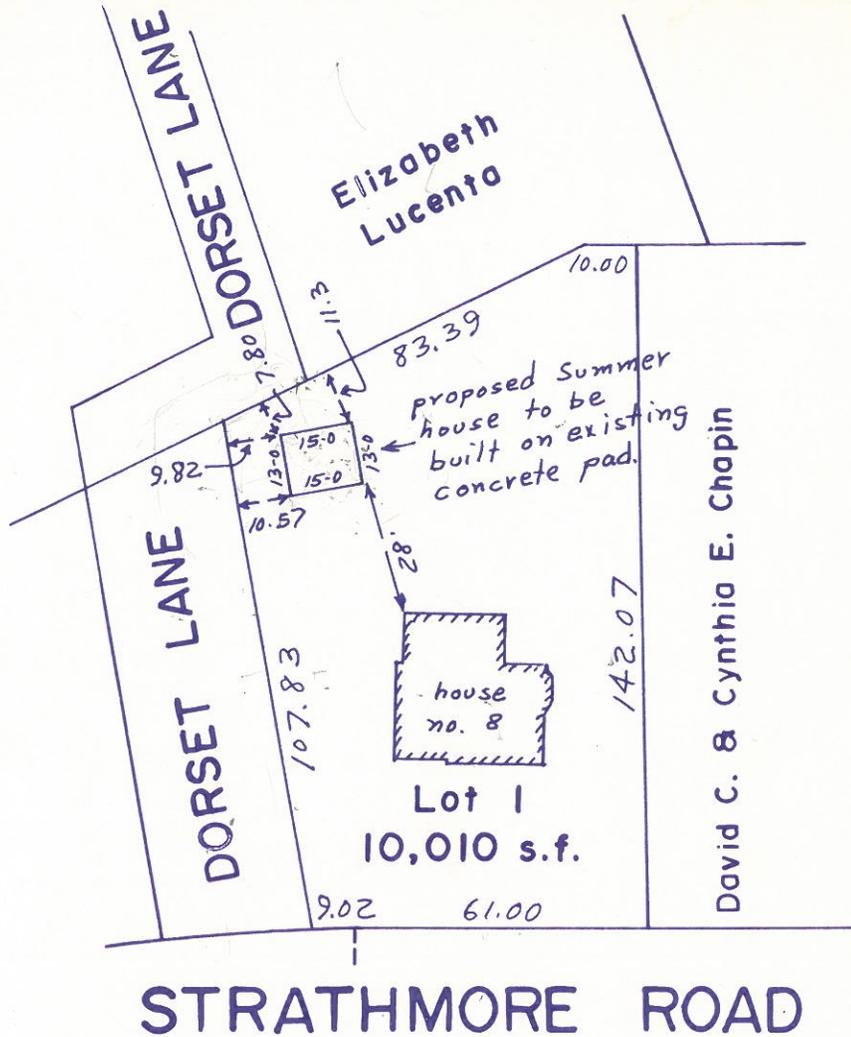


John A. Donovan, Jr.



Robert R. Cunningham

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John J. Regan

**PLAN OF LAND
IN
WELLESLEY MASS.
TO ACCOMPANY THE PETITION OF
LILLIAN A. & JOAN E. GOLDSBERRY
8 STRATHMORE ROAD
WELLESLEY**

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

MAY 24, 1983
LAND SURVEYORS
MASS.