



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
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ZBA 87-78

Petition of Wallace and Joan Ross  
90 Seaver Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 17, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of WALLACE AND JOAN ROSS, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which would allow construction at their non-conforming dwelling at 90 SEAVER STREET consisting of the enclosure of an existing open porch approximately 9 feet 10 inches by 6 feet 11 inches and remodeling said enclosure as a bathroom, leaving less than the required right side yard.

On August 24, 1987, the petitioners requested 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 Wallace Ross. Mrs. Ross was also present. Mr. Ross explained that the first floor bathroom was necessary for both sets of elderly parents when they visited the Rosses. The porch was built at the time the house was built over sixty years ago. The foundation is in place, although a roof would be added and the outside stairs from the porch would be removed. There would be no further encroachment on the right side yard.

No others were present expressing favor or opposition to the request.

Statement of Facts

The non-conforming dwelling is located at 90 Seaver Street on a 8,070 square foot lot in a Single Residence District with a minimum right side clearance of 9.2 feet.

A Plot Plan, dated August 13, 1987, prepared by Richard B. Betts, Professional Land Surveyor and construction plans dated July 21, 1987 drawn by Peters Construction were submitted, as well as a letter dated August 14, 1987 from Mr. and Mrs. Ross describing the need for the variance, as discussed by Mr. Ross at the hearing.

The petitioners are requesting a variance to allow enclosure of an existing porch approximately 9 feet 10 inches by 6 feet 11 inches and remodeling said enclosure as a bathroom, leaving less than the required right side yard.

The Planning Board, at its regular meeting on August 25, 1987, voted to oppose the granting of a variance, stating it would represent significant encroachment into an inadequate side yard, while there were suitable alternative locations for said addition.

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90 Seaver Street

Decision

This Authority has made a careful study of the evidence presented. The particular house in question does not conform to the present Zoning Bylaws as it has a right side yard of 9.2 feet.

It is the opinion of this Authority that the proposed enclosure of an existing porch and remodeling of said porch as a bathroom conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line.

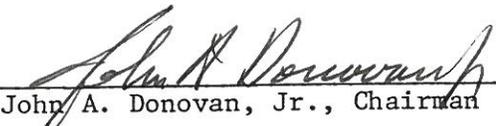
It is the further opinion of this Authority that desirable relief may be granted without substantailly derogating from the purpose or intent of the Zoning Bylaw.

Therefore, the requested variance is granted to allow the enclosure of an existing open porch approximately 9 feet 10 inches by 6 feet 11 inches and the remodeling of said porch as a bathroom in accordance with the plot plan and construction drawings as submitted and referenced in the Statement of Facts, leaving a right side yard of 9.2 feet.

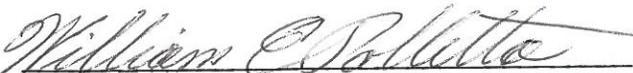
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of the grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

  
John A. Donovan, Jr., Chairman

  
Robert R. Cunningham

  
William E. Polletta

cc: Planning Board  
Inspector of Buildings

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RECEIVED  
TOWN CLERK'S OFFICE  
WALLACE AND JOAN ROSS

# PLAN OF LAND IN WELLESLEY, MASS.

To accompany the petition of Wallace Ross.

SCALE: 1 IN. = 20 FT.

August 13, 1987

EVERETT M. BROOKS CO., C.E.'S  
NEWTONVILLE, MASS.

