



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
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ZBA 89-2
Petition of Scott and Pamela Stewart
53 Whittier Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 19, 1989 in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of SCOTT AND PAMELA STEWART requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow removal of an existing porch and construction of a one-story addition, approximately 14 feet by 13.7 feet, at their non-conforming dwelling at 53 WHITTIER ROAD, in a Single Residence District. Said dwelling has less than the required right side yard.

On January 3, 1989, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioners were unable to attend the hearing. The Executive Secretary presented their case for them.

No persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 53 Whittier Road, in a Single Residence District on a 17,272 square foot lot with a minimum right side yard clearance of 17.2 feet.

The petitioners are requesting a variance to remove an existing porch and construct a one-story addition approximately 14 feet by 13.7 feet at the right rear corner of the dwelling which would have a minimum right side yard clearance of 19.4 feet.

A Plot Plan dated December 12, 1988, drawn by George N. Giunta, Registered Land Surveyor; unsigned and undated floor plans and elevations; and photographs were submitted.

The Planning Board, on January 10, 1989, voted to urge the Zoning Board to deny the request as a minor (7 inches) modification to the plan would bring the addition into compliance with the Zoning Bylaw.

A letter dated January 9, 1989, was received from Barbara and George Howland, 57 Whittier Road, abutters to the Stewart property, stating support for the request.

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 OFFICE

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Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed one-story addition represents less of an encroachment on the right side lot line than the existing house, and does not alter the relationship of the house to said lot line.

It is the further opinion of this Authority that, because of the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

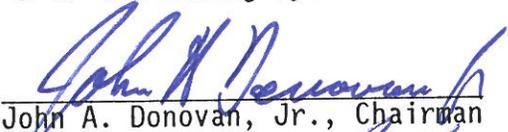
Therefore, the requested variance is granted subject to construction in accordance with the plot plan and construction drawings as submitted and detailed in the foregoing Statement of Facts, said addition coming no closer than 19.4 feet to the right side lot line.

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.

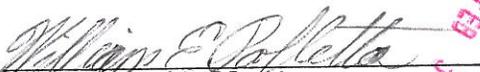
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board
Inspector of Buildings
edg

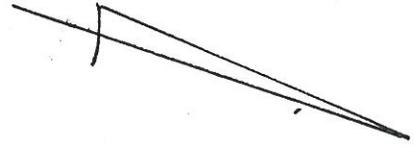
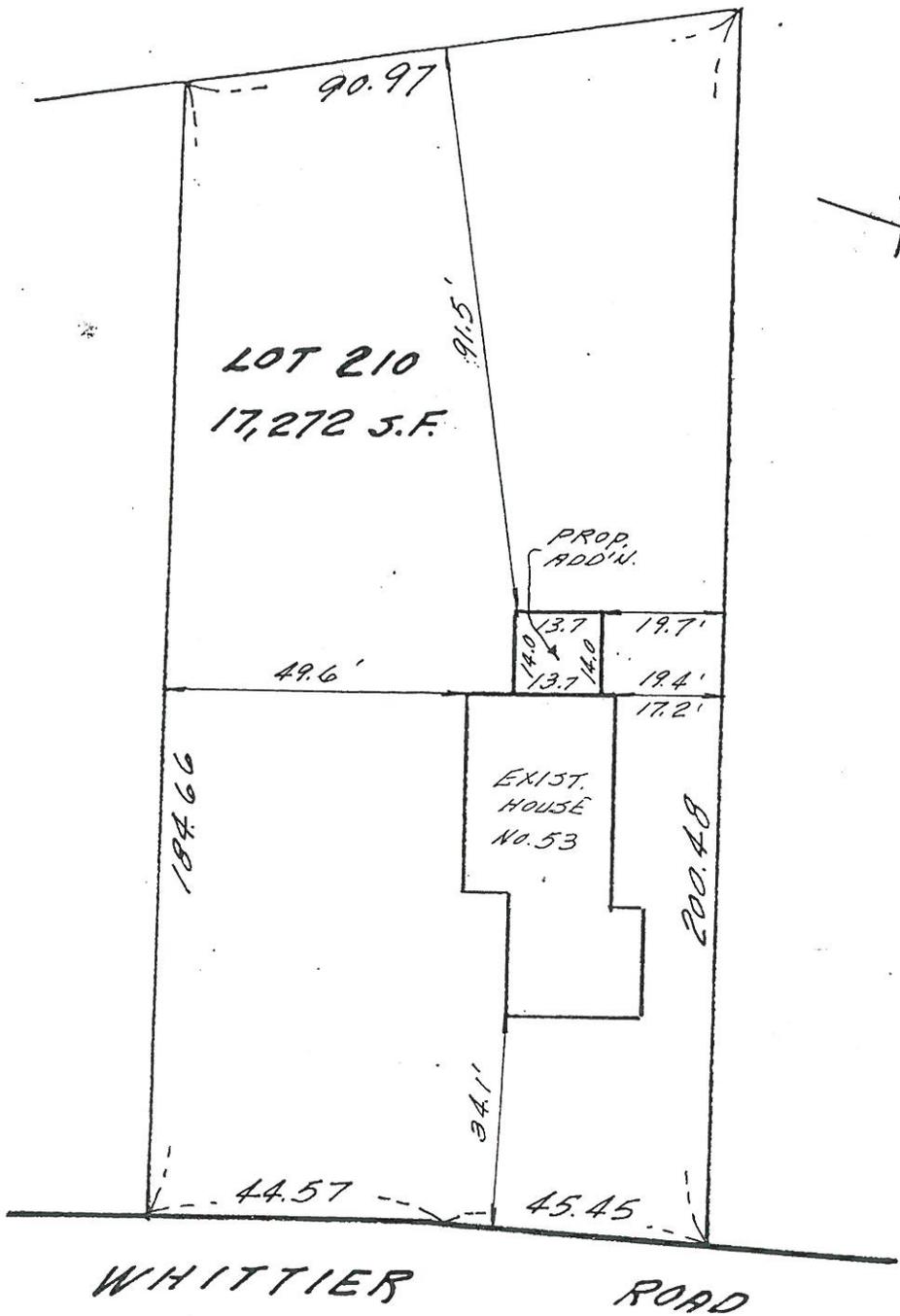

John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

DEC. 12, 1988

SCALE 1" = 30'

NEEDHAM SURVEY ASSOCIATES
76 NEHOIDEN ST.
NEEDHAM, MASS.

