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ZONING BOARD OF APPEALS

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of Leonard P. and Rita Montanari

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:40 p.m. on September 14, 1978, on the petition of Leonard P. and Rita Montanari, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the rear of the dwelling at #1 Westerly Street, with side yards less than the required twenty feet. Said request is made under the provision of Section XXIV-D of the Zoning By-law.

On August 25, 1978, the petitioners filed their request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Leonard P. Montanari spoke in support of the request at the hearing.

A letter favoring the request was received from Giovanna Zani, 3 Westerly Street, abutting property owner on the westerly side.

Statement of Facts

The property involved is located within a General Residence District requiring a minimum lot area of 10,000 square feet. The house involved was built prior to the twenty-foot side yard requirement, on a lot containing 4,865 square feet.

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The petitioners seek permission to remove the existing porch and construct an addition in its place 10.6' x 12.0' to provide a sun room. It was stated at the hearing that the house is small with only six rooms, and additional space is needed by the petitioners for their growing family. It was pointed out that the existing porch is of little value as it is only six feet wide and therefore could not be converted into a room of adequate size. The proposed addition, if built, will be 14.0' from the lot line on the westerly side and approximately six feet closer than the existing house. It is the feeling of the petitioners that due to the location of the house on the lot and the shape of the lot, hardship will result unless permission is granted for the proposed addition.

Decision

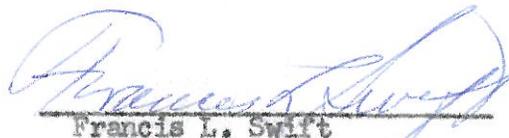
The Authority has made a careful study of the evidence submitted and has taken a view of the locus.

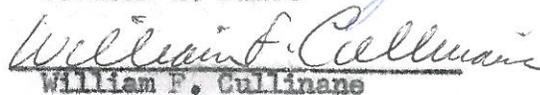
In its opinion, there is a real need for the addition which, if built, will provide the additional space needed by the petitioners' family, and the proposed location appears to be the only practical and feasible place it can be constructed with the least encroachment into the restricted yard areas.

Because of the location of the house on the lot, the shape of the remaining lot is such that there is no space available to construct an addition which will conform to the setback requirements of the Zoning By-law. The lot is a very small corner lot with greater setback restrictions imposed upon it than would be otherwise.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the shape of the lot involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioners. It is the further opinion of this Board that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed addition as shown on the plan submitted and on file with this Authority, drawn by Carmelo Frazetti, Land Surveyor, dated August 7, 1978.


Francis L. Swift


William F. Cullinane

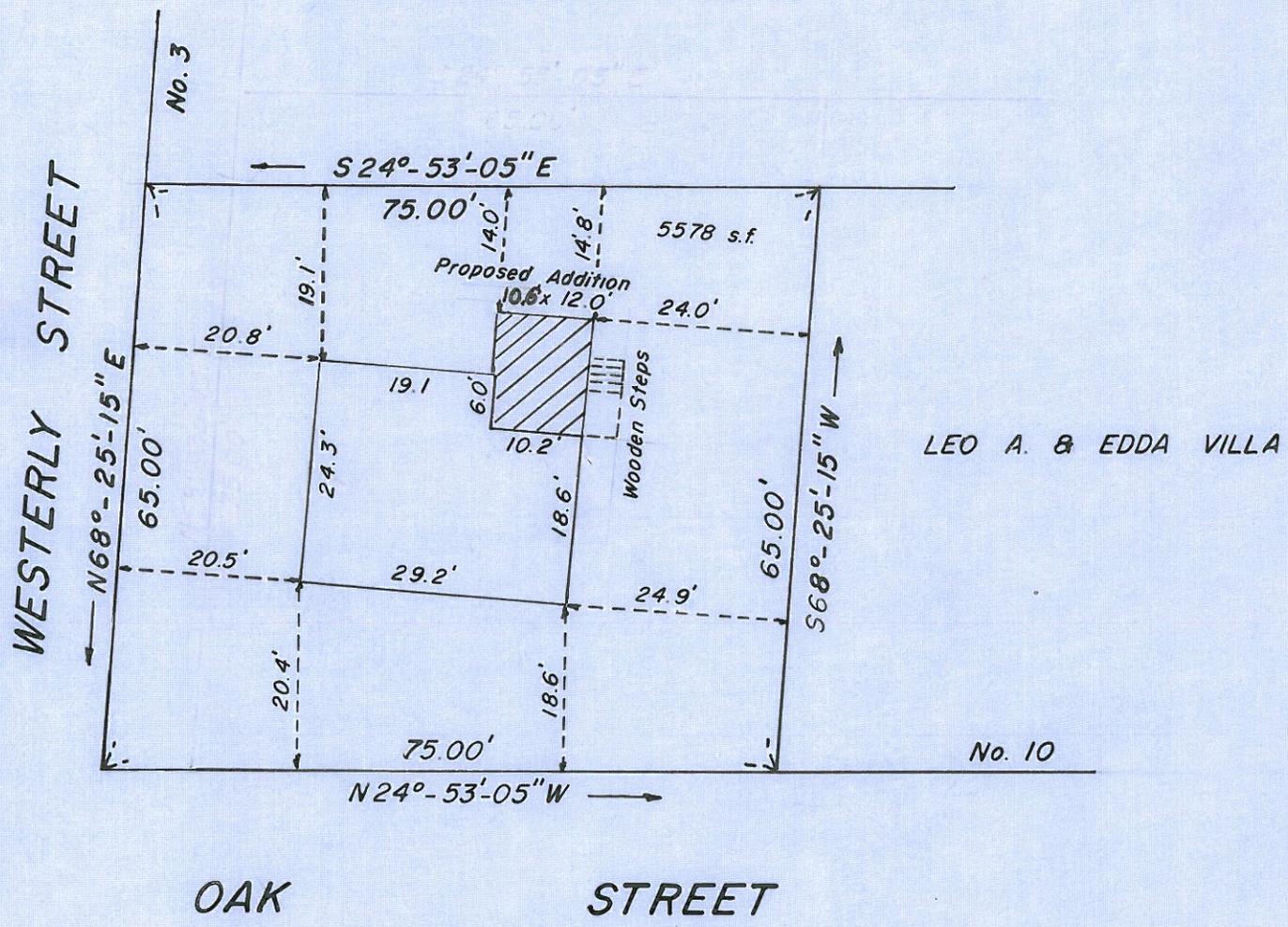

William E. Polletta

Filed with Town Clerk _____

Copies of the decision and all plans referred to in this decision have been filed with the Planning Board and with the Town Clerk.

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TOWN CLERK'S OFFICE
MAY 22 1978

GIOVANNA SOLARI ZANI



PLAN OF LAND
 in
 WELLESLEY, MASSACHUSETTS
 at
 No. 1 WESTERLY STREET

owned by
 Leonard P. & Rita F. Montanari
 August 7, 1978
 Carmelo Frazetti



Proposed
 House Addition
 Scale: 1" = 20'
 Land Surveyor