



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of Richard R. Hartley

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8:00 PM on Wednesday, April 22, 1981, on the Petition of Richard R. Hartley, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a deck on the side of the dwelling at 69 Chesterton Road, with a side yard less than the required twenty (20) feet. Said request is made under the provisions of Section XXIV-D of the Zoning Bylaw.

On March 30, 1981, the petitioner filed for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and speaking on behalf of this request was Richard R. Hartley. Mr. Hartley stated that this same variance request was granted by this Board in their decision of February 19, 1980. When Mr. Hartley approached the Building Department for his Building Permit he then became aware that the one year period had lapsed and he would therefore have to seek another variance to construct the deck. Mr. Hartley further stated that in another decision, dated January 5, 1977, the Board allowed the enlarging of an existing porch, to be enclosed into a family room, to extend 16.58 feet from the left property line.

At this point, Mr. Hartley wishes to seek another variance exactly the same as the 1980 variance, in order to construct a deck to be 14' x 14', which will also extend to within 16.58 feet of the left property line, therefore following the existing lines of the family room.

Statement of Facts

The property involved is located within a Single Residence District. The locus, 69 Chesterton Road, is comprised of 10,200 square feet of land.

The petitioner seeks a variance to construct a 14' x 14' deck to the left side of the dwelling, behind an already existing family room. The deck will follow

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the existing lines of the family room and will therefore not be any more encroaching than what exists there already.

A Plot Plan, dated October 9, 1979, and drawn by Alexander Crucoli, Registered Land Surveyor, was submitted with this petition indicating the house and the proposed deck addition.

This Board, in its decision of February 19, 1980 granted a variance for this 14' x 14' sundeck to be placed to the rear of the family room on the left side of the dwelling. This sundeck leaves a side yard of 16.58' from the property line. This same request is before this Board again under the provisions of Section XXIV-D 5. of the Zoning Bylaw, which specifically states that "a variance not exercised within one year of the date of such variance shall lapse, and may be reestablished only after notice and a new hearing pursuant to this Section."

Decision

The petitioner requests a variance to allow a 14' x 14' deck to be constructed to the rear of an existing family room on the left side of the dwelling at 69 Chesterton Road, as shown on the Plot Plan dated October 9, 1979, and submitted with this petition.

This Authority has made a careful study of the evidence submitted, especially noting the requested sundeck will not be any closer to the side lot line than the existing family room is now. This Authority also notes that this same variance was granted in a decision of February 19, 1980. At least one member has taken a view of the locus.

It is the unanimous opinion of this Authority that due to circumstances relating to the shape of the lot and the houses placement on it, a literal enforcement of Section XIX of the Zoning Bylaw would involve substantial hardship to the petitioner and that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw and without substantial detriment to the public good.

Accordingly, the requested variance is granted and the Inspector of Buildings is authorized to issue a permit for the sundeck as shown on the Plot Plan dated October 9, 1979 and on file with this Authority.

William F. Cullinane

William F. Cullinane, Chairman

John A. Donovan, Jr.

John A. Donovan, Jr.

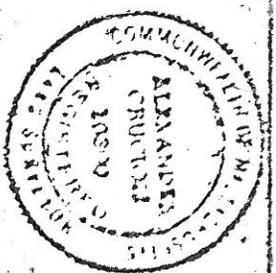
Stephen S. Porter

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APPROVAL UNDER THE SUB-DIVISION CONTROL LAW NOT REQUIRED.

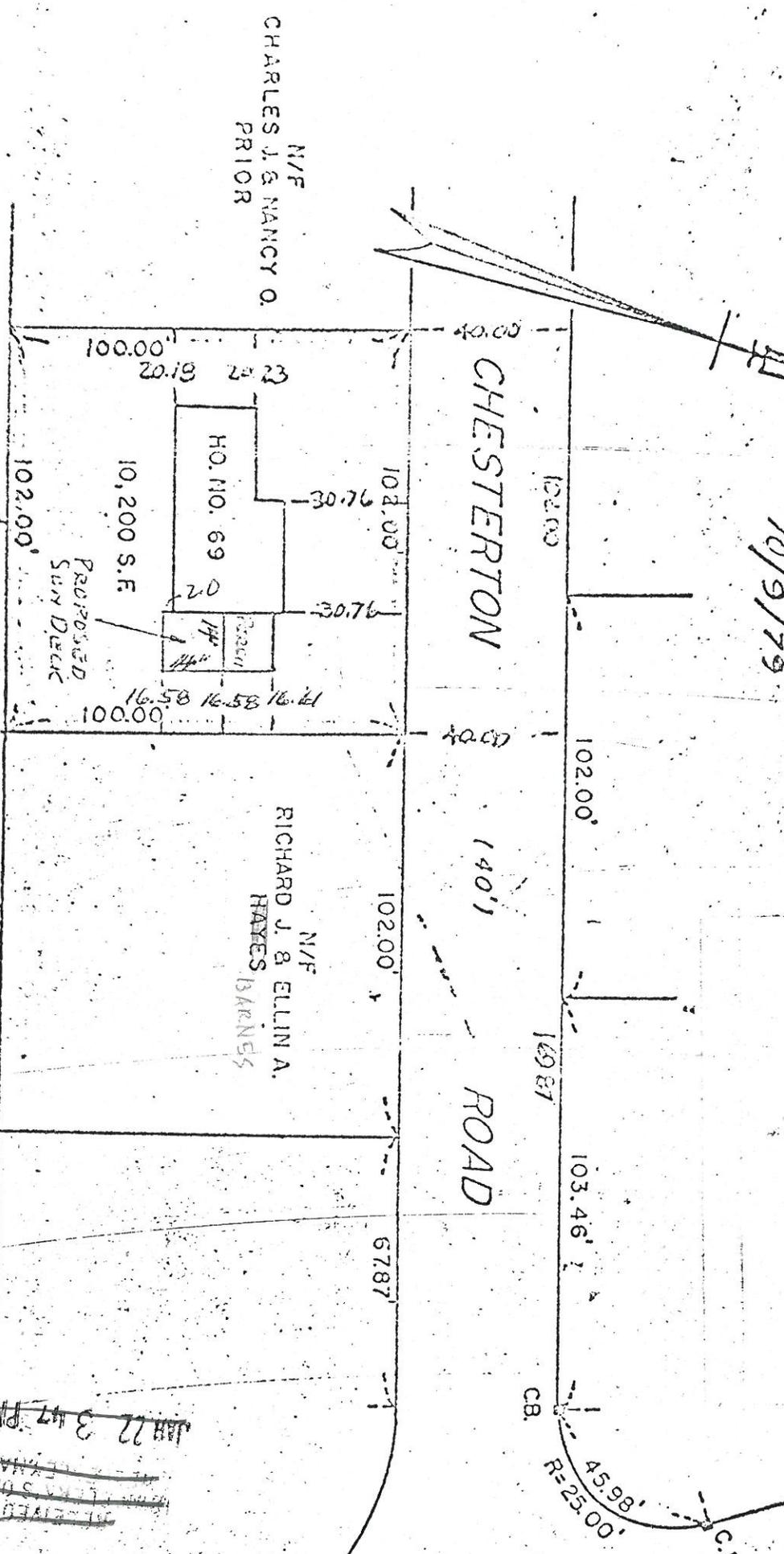
WELLESLEY PLANNING BOARD



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Alexander Cruciani
ALEXANDER CRUCIANI
10/9/79

PLAN OF LAND IN WELLESLEY MASS
Scale: 40 Feet To 1/4" INCH
October 9, 1979.
Alexander Cruciani
BOZZES-ENGINEERS, SUPERVISORS, INC.
57 Winthrop Rd.
Chelsea, Mass.



N/F
CHARLES J. & NANCY O.
PRIOR

N/F
ROBERT & ANN
JACOBIAN

N/F
RICHARD J. & ELLIN A.
HAYES BARNES

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