



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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82-20

Petition of Irving J. and Miriam S. Slotnick

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, June 10, 1982, on the petition of Irving J. and Miriam S. Slotnick, requesting a Variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a 10' by 20' deck to their dwelling at 40 Willow Street, leaving less than the required left side yard. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On May 21, 1982, the petitioners filed their request for a hearing before this Authority, and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and speaking in support of the request were Miriam and Irving Slotnick, who presented pictures of the existing concrete stairs where the deck is proposed and a letter from Marvin and Sylvia Cohen of 52 McLean Street, in favor of the petition. Mrs. Slotnick stated that their lot is a corner lot leaving no backyard. They wish to construct a deck off their kitchen to replace concrete steps which are in poor condition and have a platform too small for safety. Mrs. Slotnick stated the deck could not be located elsewhere because of an existing bulkhead at the northeast corner of the house and a garage and large shade tree to the easterly side.

Letters in favor of the petition were also received from Harvey F. Curtis, 38 Willow Street, and Ruth G. Halperin, 46 McLean Street, abutters to the Slotnicks. Other than the petitioners, no one was present at the hearing either favoring or opposing the request.

Statement of Facts

The property involved is located in a Single Residence District at 40 Willow Street, on the corner of McLean Street, containing 11,273 square feet of land.

The petitioners propose to build a deck 10' by 20' off their kitchen, which would come to 13.45' from the left side lot line.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated May 18, 1982. Construction sketches showing the proposed deck were also submitted, and pictures indicating the proposed location.

The Planning Board, in a letter dated May 26, 1982, indicated their opposition to the request.

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Decision

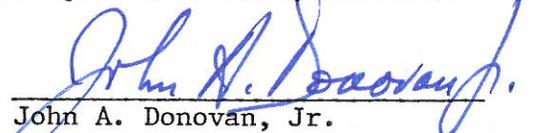
This Authority has made a careful study of the evidence submitted. The petitioners lot is a corner lot, which leaves no rear yard. The request for a deck at the rear of their house would not have been a violation of the Zoning Bylaws if the property had not been a corner lot. However, because the area in mind must be considered a sideyard, the minimum sideyard width requirement is twenty feet.

It is the opinion of this Authority that literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners. 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 and the Inspector of Buildings is authorized to issue a permit for the deck construction upon receipt and approval of a building application and construction plans.



Stephen S. Porter, Chairman



John A. Donovan, Jr.



Robert R. Cunningham

mam

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Harry O. Lowell
Trustee of Willow Realty Trust

Ruth G. Halperian

No. 46

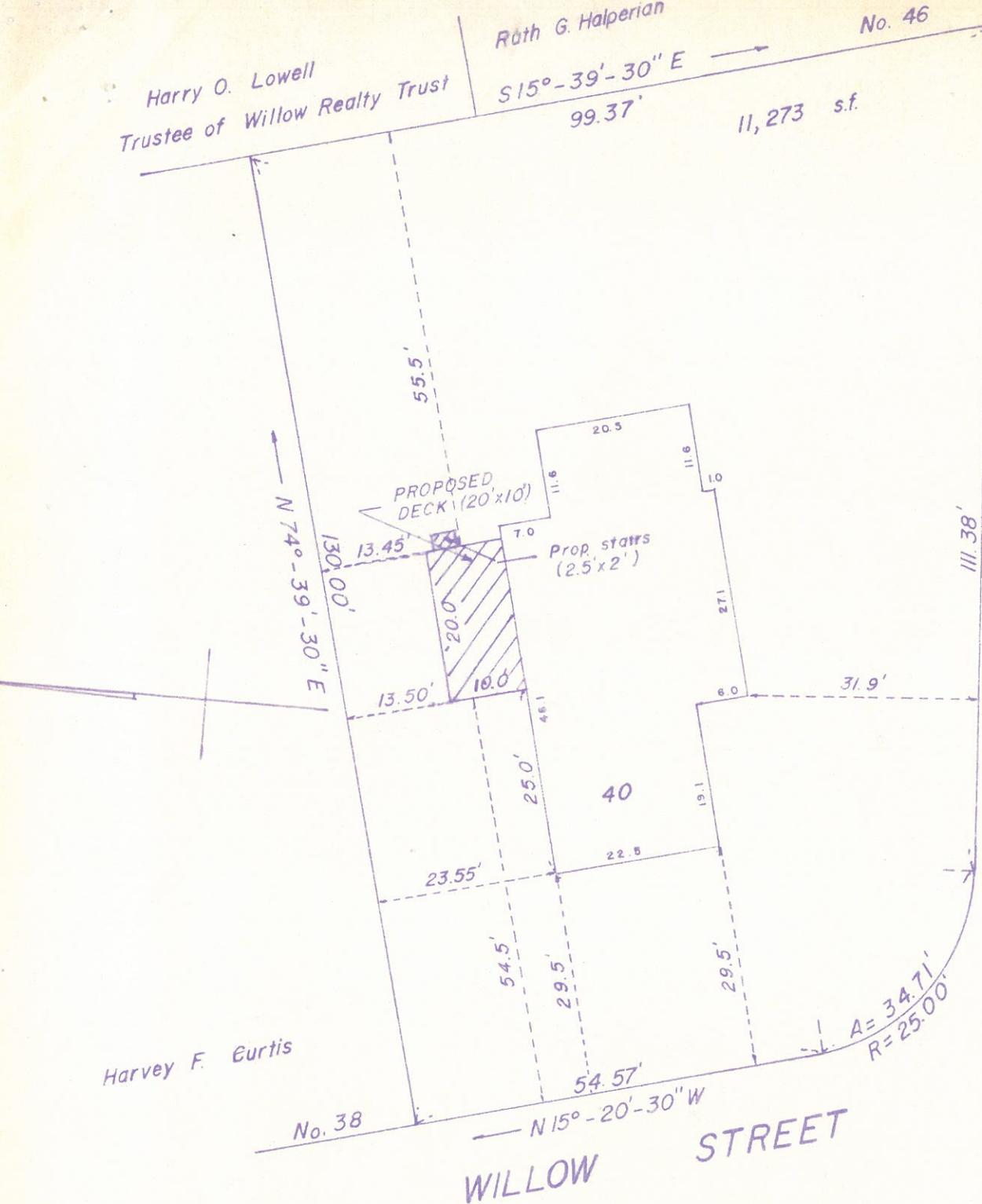
S15°-39'-30" E
99.37'

11,273 s.f.

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WELLESLEY, MASS.

WILLOW STREET
M'LEAN STREET



Harvey F. Eurtis

No. 38

WILLOW STREET

PLAN OF LAND
in
WELLESLEY, MASSACHUSETTS
at
No. 40 WILLOW STREET

Owned by
Irving J. & Mariam S. Slotnick
May 18, 1982
Carmelo Frazetti



Proposed Deck
Scale: 1" = 20'
Land Surveyor