TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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84-48
Petition of Carl and Domenica Cristoforo
12 Grantland Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, September 6, 1984 at 8 p.m. on the petition of Carl and Domenica Cristoforo requesting a variance from the terms of Section XIX which will allow an addition to their dwelling at 12 Grantland Road, consisting of a one-story room approximately 14 feet by 23.4 feet leaving less than the required right side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On August 16, 1984, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the request at the hearing was Joseph T. Fleming, Jr., attorney representing Mr. and Mrs. Cristoforo, who also were present. Mr. Fleming displayed photos of the property and presented a letter of support from Dominique and Mario Dagenais, 18 Grantland Road. Construction sketches and the plot plan were examined and discussed. Mr. Fleming stated that the petitioner has a hardship due to the topography of the backyard, which slopes down toward the house, creating drainage problems. He stated that other houses in the neighborhood do not slope down in the same manner as the Cristoforo's.

No others were present at the hearing favoring or opposing the petition.

Statement of Facts

The property in question is located at 12 Grantland Road, containing 12,050 square feet of land, in a Single Residence District.

The petitioners requested a variance in 1981 (ZBA Case 81-53) to construct an addition 14 feet by 23.4 feet, leaving a right side yard of 18.8 feet. The variance request was denied by the Board of Appeals on October 15, 1981.

The current request is identical to the previous request. The petitioner claims a hardship due to the topography of the backyard, which slopes downward towards the house.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated April 29, 1980. Construction drawings and photos were also submitted.

The Planning Board, at its regular meeting of September 11, 1984, voted to recommend ".....that this petition be denied. The Board believes that a smaller addition could be designed which would conform to the zoning requirements".

Letters of support were received from L. Jean Hodgins, 4 Grantland Road, Dr. Paul A. Walsh, 382 Worcester Street.

Decision

This Authority has made a careful study of the evidence submitted. Variances may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1 as quoted from the Zoning Bylaw):

"1. ...

a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to i)soil conditions, ii) shape, or iii) topography of such land or structures,

....AND

b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

Regarding the request for the proposed addition, this Authority fails to find "substantial hardship" within the meaning of Section XXIV-D.

This Board is of the opinion that the petitioner could construct an addition 12.8 feet by 23.4 feet without encroaching on the sideyard. An addition of this size could be functional and attractive and conform to the zoning requirements.

We note that the construction plans submitted show a fireplace on the southerly wall of the proposed addition. It is the opinion of this Board that a variance could be granted under Section XIX to allow a 2 foot by 6 foot fireplace on the southerly wall as shown on the construction drawings,leaving a right side yard of 18 feet at the fireplace chimney.

Therefore, a variance is hereby granted at 12 Grantland Road to allow a 2 foot by 6 foot fireplace chimney, leaving a right side yard of 18 feet in the area of the chimney only, as shown in construction plan A-1.

The Building Inspector is hereby authorized to issue a permit for the chimney construction upon receipt and approval of building plans, and submission of a new plot plan.

RECEIVED
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OCT 10 55 AM '84

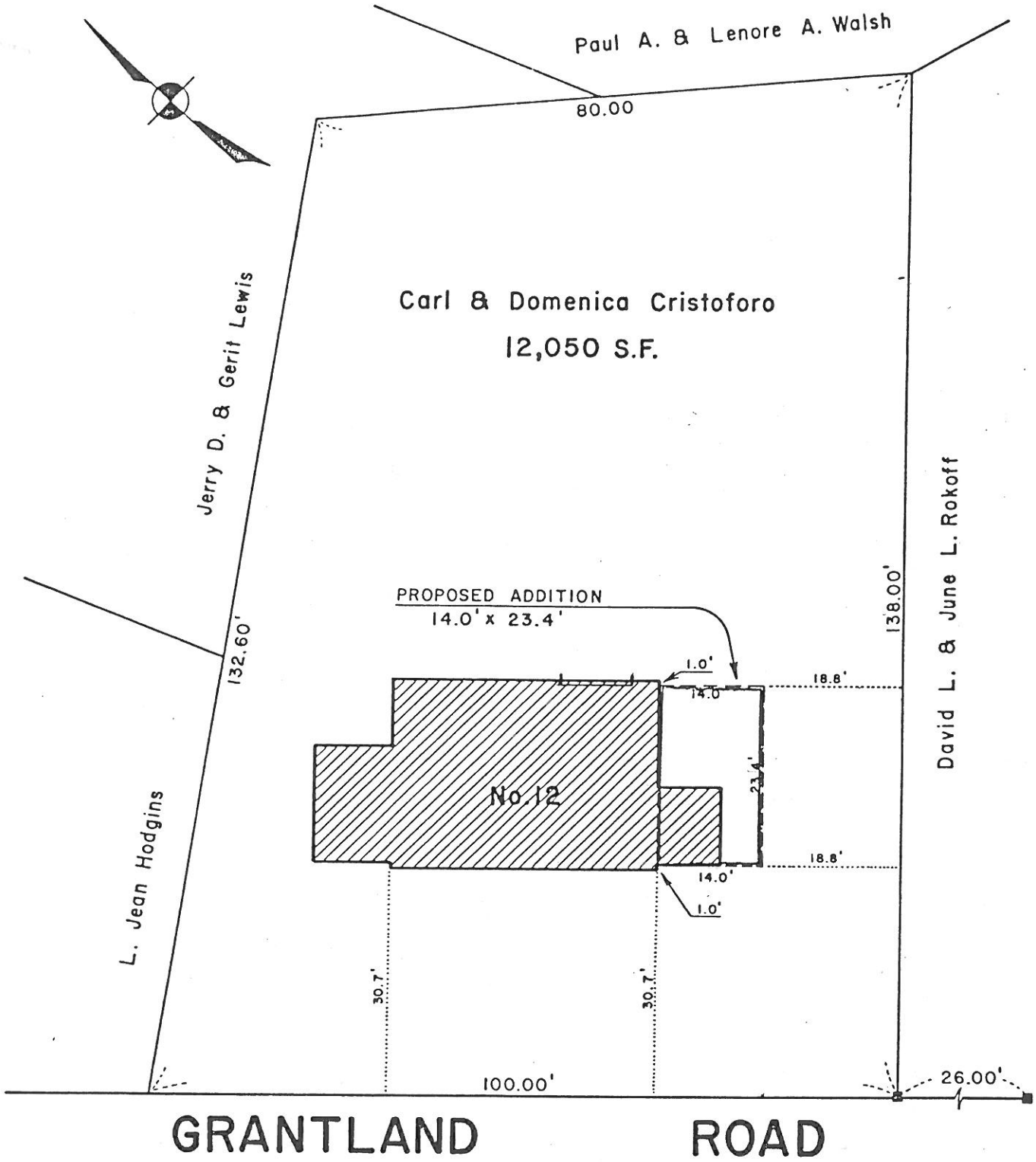
cc: Planning Board

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.

Stephen S. Porter, Chairman

John A. Donovan, Jr.

Robert R. Cunningham



PLAN OF LAND
IN
WELLESLEY, MASSACHUSETTS
AT
No.12 GRANTLAND ROAD

Carmelo Frazetti

April 29, 1980

COMMONWEALTH OF MASSACHUSETTS
CARMELO FRAZETTI
No. 8673
REGISTERED LAND SURVEYOR

Land Surveyor

Scale: 1" = 20'