



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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84-5

Petition of Daniel M. and Letitia P. Clarke

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the upper Town Hall main hearing room on Thursday, February 23, 1984 at 8 p.m. on the petition of DANIEL M. AND LETITIA P. CLARKE requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow construction at 17 ABERDEEN ROAD, including the conversion of an existing deck to a permanent room, approximately 8 feet by 27 feet, leaving less than the required left sideyard, and enclosure of a back entrance, approximately 6 feet by 10 feet, leaving less than the required right sideyard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On February 2, 1984, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Daniel Clarke, who stated that there is an existing foundation under the deck and the back entrance which was poured when the house was built in 1933. He presented a copy of the original plan of the house to the Board. His proposed renovations would not extend beyond the original house foundation.

No one was present either favoring or opposing the petition.

Statement of Facts

The property involved is located at 17 Aberdeen Road, containing 9,200 square feet of land, in a Single Residence District.

The existing dwelling, built in 1933, is a legal non-conforming structure, with a left side yard of 9.6 feet and a right side yard of 9.7 feet.

The petitioner proposes to convert an existing deck into a permanent room, 8 by 27 feet, on the left side of the house and to enclose a back entrance 6 by 10 feet at the right rear of the house. A concrete foundation exists in both areas, poured in 1933 when the house was constructed. The petitioners claim hardship based on the shape of the lot and the location of the structure on the lot.

A Plot Plan was submitted, drawn by Philip R. Brown, Registered Land Surveyor, of MacCarthy and Sullivan Engineering, Inc., Natick, dated August 1, 1983. Construction sketches were also submitted.

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Letters of support for the application were received from the following neighbors: Richard B. Fox, 14 Aberdeen Road, Donald L. Polk, 15 Aberdeen Road, Linda Murphy, 18 Aberdeen Road, Henry T. Ward, 19 Aberdeen Road, Jane T. Miller, 22 Aberdeen Road.

The Planning Board, in a letter dated February 22, 1984, stated that it is opposed to the granting of the variance request.

Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling has a left side yard of 9.6 feet, and a right side yard of 9.7 feet.

It is the opinion of this Authority that the proposed additions would be on existing foundations poured when the house was built in 1933, would conform to the present lines of the house, and would not alter the relationship of the house to the lot lines.

It is the decision of this Authority that, because of the shape of the lot and the location of the structure on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. 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.

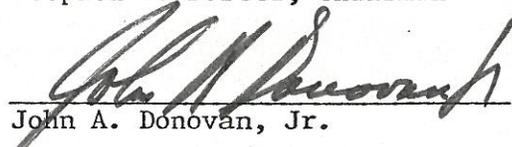
Therefore, the requested variances are both granted as shown on Plot Plan drawn by Philip R. Brown, Registered Land Surveyor, of MacCarthy and Sullivan Engineering, Inc., dated August 1, 1983, coming no closer than 9.6 feet from the left side yard and 9.7 feet from the right side yard.

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.

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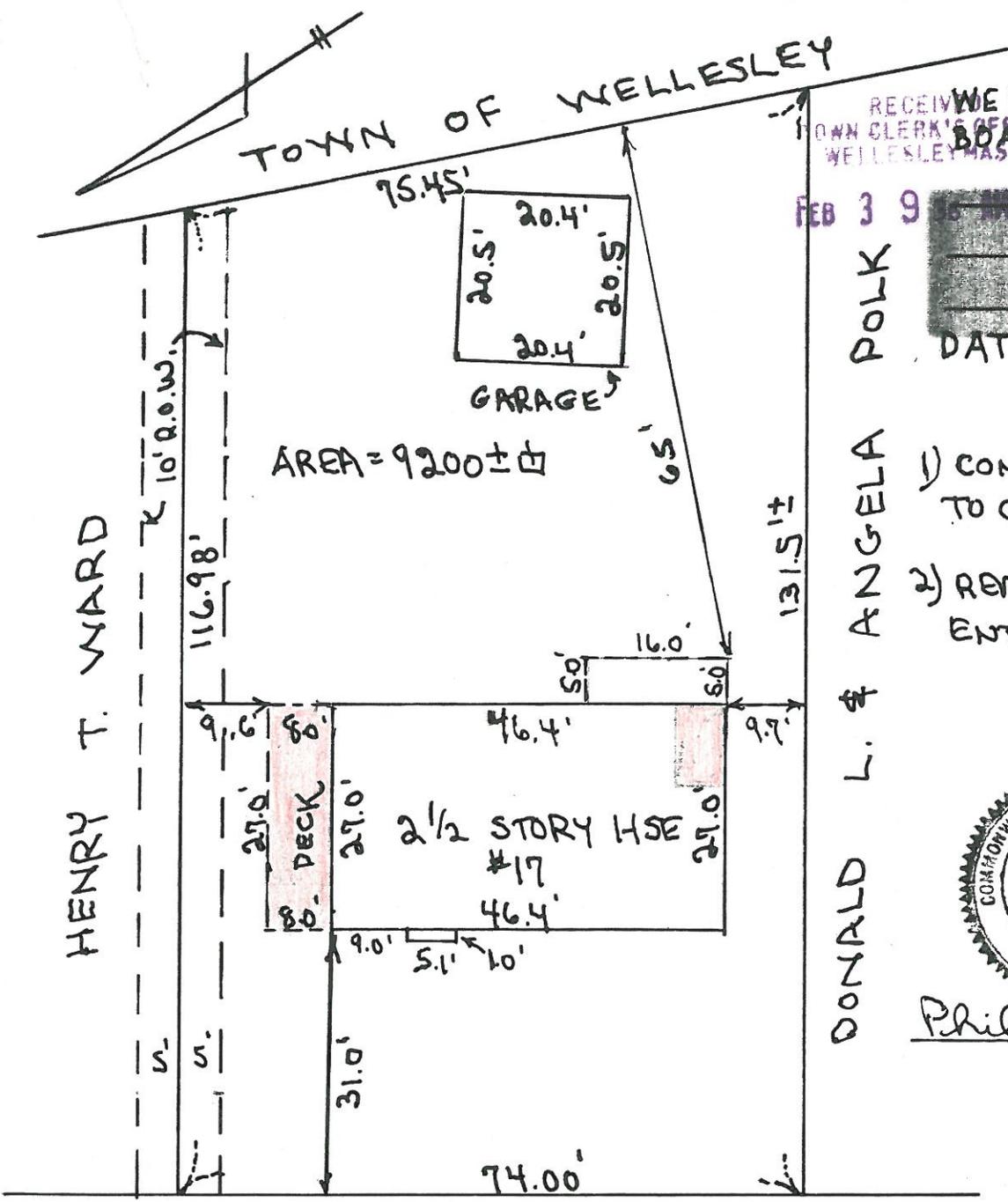
Stephen S. Porter, Chairman



John A. Donovan, Jr.



William E. Polletta



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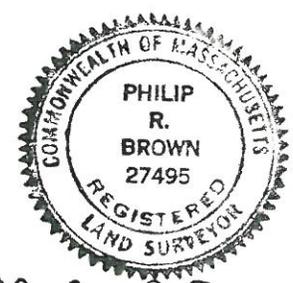
FEB 3 9 1984

POLK

DATE:

ANGELA L. & DONALD

- 1) CONVERT SIDE DECK TO GUEST ROOM
- 2) REMODEL BACK ENTRANCE



Philip R Brown

ABERDEEN ROAD

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY: DANIEL M. & LETITIA T. CLARKE

SCALE: 1" = 20'

AUG. 1, 1983

PLAN BY: MAC CARTHY & SULLIVAN ENGINEERING INC.
81 SPEEN ST. NATICK, MASS.