



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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84-76

Petition of Joseph P. Centola  
11 Hill Top Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 17, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of JOSEPH P. CENTOLA requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a deck approximately 8.2 feet by 15.8 feet at 11 HILL TOP ROAD leaving less than the required right side yard. The existing dwelling is a non-conforming dwelling. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On December 20, 1985, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Henry Centola, father of the petitioner, who was out of town. Mr. Centola stated that the deck would not come any closer to the side line than the existing dwelling, would be one foot above grade with a safety railing.

Present and opposed to the petition was Joseph Derouin, 12 Hill Top Road, who lives across the street.

Statement of Facts

The property in question is located at 11 Hill Top Road, containing 6,186 square feet of land, in a Single Residence District. The existing dwelling is a non-conforming structure with a right side yard of 11.6 feet at the front corner, a left side yard of 11.3 feet, a front yard setback of 25.3 feet.

The petitioner proposes to construct a deck approximately 8.2 feet by 15.8 feet at the rear of the dwelling, leaving a right side yard of 14.1 feet. The deck would have a two foot continuous step along the southerly and easterly sides. Neither the deck nor the steps would come closer to the right side line than the existing dwelling.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated December 3, 1984. Construction sketches were also submitted, as was a photo.

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The Planning Board, at its regular meeting of January 8, 1985, voted to offer no comment on the petition based on the fact that there is no further encroachment on the inadequate side.

Decision

This Authority has made a careful study of the evidence submitted. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 11.6 feet from the right side lot line.

It is the opinion of this Authority that the proposed deck conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line.

It is the unanimous opinion of this Authority that because of the shape of the lot and the location of the house 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.

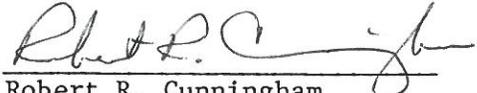
Therefore, the requested variance is granted to construct a deck approximately 8.2 feet by 15.8 feet as shown on the Plot Plan drawn by Carmelo Frazetti, Registered Land Surveyor, dated December 3, 1984, coming no closer than 14.1 feet from the right side line, and the steps coming no closer than 12.1 feet from the right side line.

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.

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.

cc: Planning Board  
 mam

  
 Stephen S. Porter, Chairman

  
 Robert R. Cunningham

  
 William E. Polletta

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