TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

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Executive Secretary
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WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

85-9
Petition of Robert E. Chatel
37 Park Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on April 4, 1985 at 8 p.m. on the petition of ROBERT E. CHATEL requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a deck approximately 7.6 feet by 14 feet with an ell 3 feet by 14 feet at 37 PARK AVENUE leaving less than the required left side yard. Said dwelling is a non-conforming structure. Request is pursuant to Section XXIV-D of the Zoning Bylaw.

Presenting the case at the hearing was Robert Chatel, who stated that he purchased the non-conforming property last fall. He has removed a shed and wishes to replace it with a deck which would wrap around to the rear of the house. There would be no further encroachment on the left side yard than the existing dwelling encroachment.

Other than the petitioner, no one was present favoring or opposing the request.

Statement of Facts

The property in question is located at 37 Park Ave., containing 6,623 square feet of land, in a Single Residence District. The dwelling is a non-conforming structure with a left side yard of 8 feet.

The petitioner proposes to construct a deck approximately 7.6 feet by 14 feet with an ell 3 feet by 14 feet at the rear of the house at 37 Park Ave. The deck would continue the existing lines of the house and come no closer to the left side lot line than the existing house.

A Plot Plan was presented, drawn by Joseph R. Sullivan, Registered Land Surveyor, of MacCarthy & Sullivan Engineering Inc., Natick, Ma. , dated February 7, 1985. Construction sketches were also presented as were photos showing the area of construction.

The Planning Board, at its regular meeting of March 19, 1985, voted to offer no comment on the petition.

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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 comes to 8 feet from the left 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 left side lot line.

It is the 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 at 37 Park Avenue as shown on the Plot Plan drawn by Joseph R. Sullivan, Registered Land Surveyor, dated February 7, 1985, coming no closer than 8 feet from the left side lot 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.

Stephen S. Porter, Chairman

John A. Donovan, Jr.

Robert R. Cunningham

cc: Planning Board

mam

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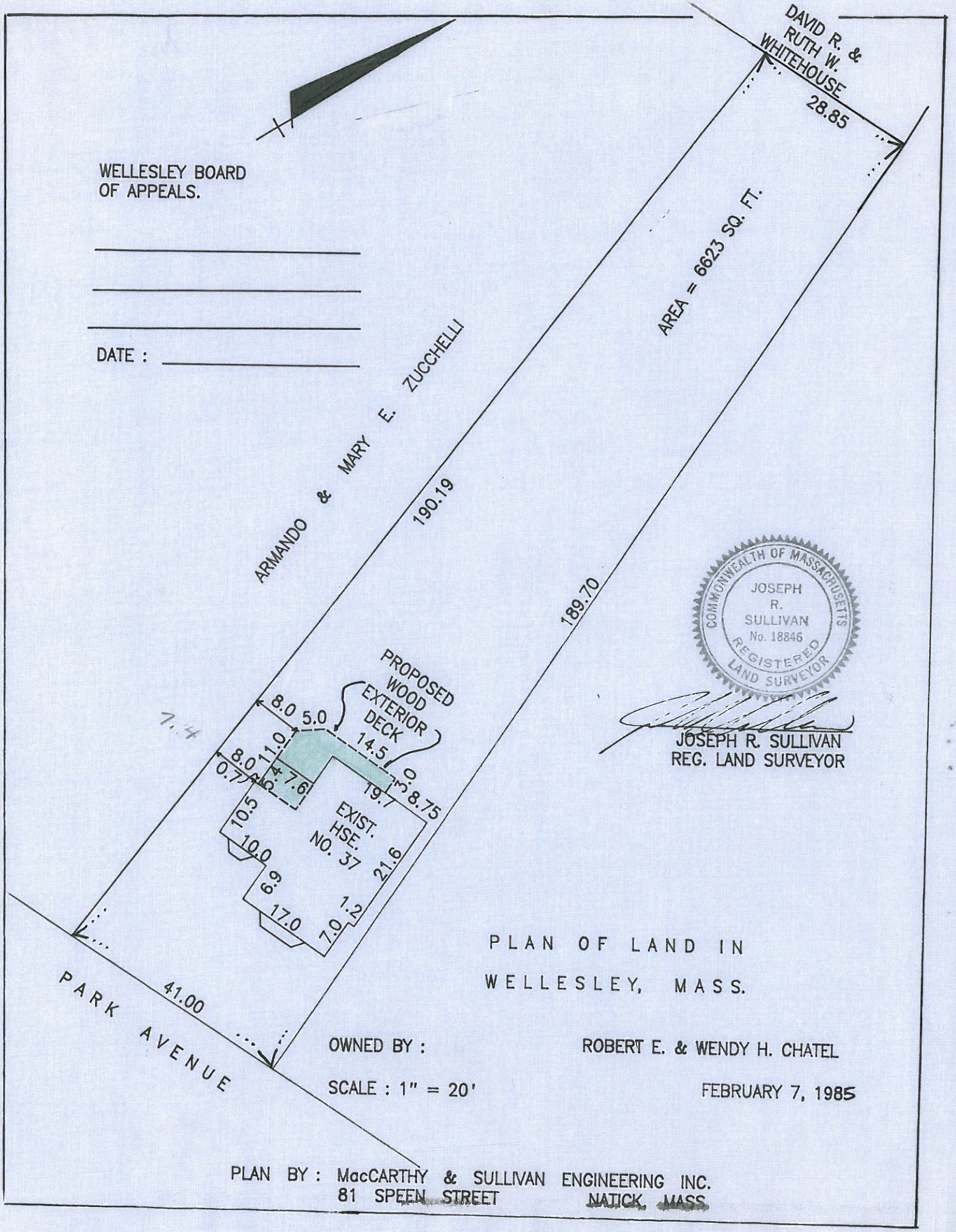
WELLESLEY BOARD
OF APPEALS.
DATE :
DAVID R. &
RUTH W.
WHITEHOUSE
28.85
AREA = 6623 SQ. FT.
ARMANDO & MARY E. ZUCCHELLI
190.19
189.70
PROPOSED
WOOD
EXTERIOR
DECK
8.0
5.0
14.5
11.0
8.0
0.7
4
7.6
3.0
8.75
19.7
10.5
10.0
EXIST.
HSE.
NO. 37
21.6
6.9
17.0
1.2
7.0
7.4
PARK AVENUE
41.00
COMMONWEALTH OF MASSACHUSETTS
JOSEPH
R.
SULLIVAN
No. 18846
REGISTERED
LAND SURVEYOR
JOSEPH R. SULLIVAN
REG. LAND SURVEYOR
PLAN OF LAND IN
WELLESLEY, MASS.
OWNED BY :
ROBERT E. & WENDY H. CHATEL
SCALE : 1" = 20'
FEBRUARY 7, 1985
PLAN BY : MacCARTHY & SULLIVAN ENGINEERING INC.
81 SPEEN STREET
NATICK, MASS.