



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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85-25

Petition of Thomas E. J. DeWitt  
4 Solon Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 23, 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 Thomas E. J. DeWitt requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of an addition approximately 10 feet by 12 feet at the rear of the dwelling at 4 Solon Street leaving less than the required right side yard. Said dwelling is a non-conforming structure. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On May 3, 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 Tom DeWitt, who stated that he proposes to add a family room which would be 9.3 feet from the side line. A section of the house is already 6.8 feet from the side line.

Present in favor of the petition was Kaj Jensen, 2 Solon St. No one was present who objected to the request.

Statement of Facts

The property in question is located at 4 Solon Street, containing 6,275 square feet of land, owned by Thomas E. J. DeWitt and Margaret E. Ward. The existing dwelling is a legal non-conforming structure with a right side yard of 6.8 feet in one area, and comes to 9.4 feet from the side line at the right rear corner of the house.

A variance was granted in 1973 (ZBA Case 73-49) to allow a one-car garage on the easterly side of the dwelling leaving a left side yard of 15 feet.

A one-story addition, approximately 10 by 12 feet, is proposed at the rear of the dwelling, continuing the existing lines of the house, leaving a right side yard of 9.3 feet. The addition would enlarge an existing family room.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated 4/10/85. Construction sketches were submitted, drawn by G. Donohue & Sons, Inc., Lexington, Ma. Photos were also submitted.

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The Planning Board, in a letter of May 16, 1985, stated it has no objection to the requested variance.

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 6.8 feet from the right side line.

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

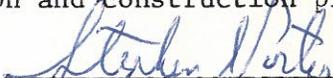
It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

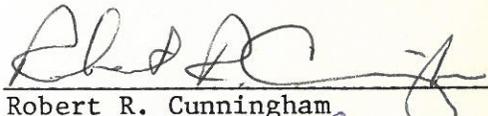
Therefore, the requested variance is granted to construct a one-story addition at 4 Solon Street, said addition approximately 10 by 12 feet, as shown on the Plot Plan drawn by Carmelo Frazetti, Registered Land Surveyor, dated 4/10/85, coming no closer than 9.3 feet from the right side line.

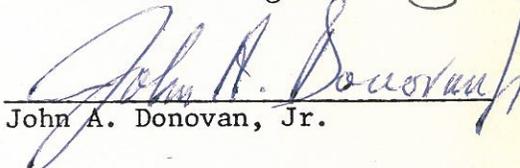
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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

  
John A. Donovan, Jr.

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