



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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WELLESLEY, MASS.

ZBA 86-21
Petition of Susan G. Dee
16 Framar Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 20, 1986 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, Ma. on the petition of SUSAN G. DEE requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the construction of a one-story addition approximately 24 feet by 21 feet at their dwelling at 16 FRAMAR ROAD leaving less than the required right side yard.

On March 3, 1986, 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 were Susan and Timonty Dee, who stated that a bulkhead in the rear prevents expansion in that area as the expense would be exorbitant to move it. The proposed addition would come to 16.44 feet from the right side lot line. The yard is relatively level with a fence all around it.

No others were present either favoring or opposing the request.

Statement of Facts

The property in question is located at 16 Framar Road, containing 9,600 square feet of land. The existing dwelling is a conforming structure with a right side yard of 24.61 feet at the rear corner of the dwelling.

The petitioner requests a variance to construct a one-story addition approximately 24 feet by 21 feet at the rear of the dwelling, said addition to contain an expanded kitchen, family room and mud room. The addition would leave a right side yard of 16.44 feet at the rear corner. The petitioner claims a hardship due to the fact that the house is not located parallel to the side line.

A Plot Plan was submitted, drawn by Verne T. Porter, Registered Land Surveyor, of Everett M. Brooks Co., Newtonville, Ma., dated 2/13/86. Construction sketches were also submitted by Mahoney Co., dated 11/30/85. Photos were also submitted.

The Planning Board, at its regular meeting of March 18, 1986, voted unanimously to oppose the granting of the petition based on the fact that there is enough area on the lot to accommodate the addition in compliance with the Zoning Bylaw.

Decision

This Authority has made a careful study of the evidence presented.

Variations 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, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; 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."

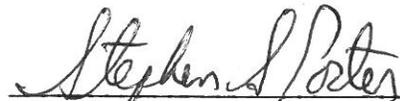
This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw.

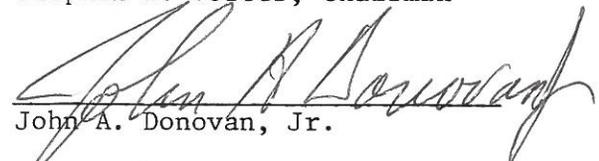
Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

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
Inspector of Buildings

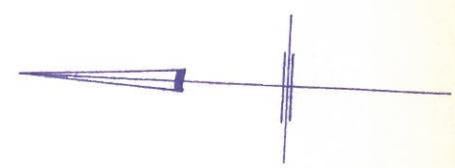
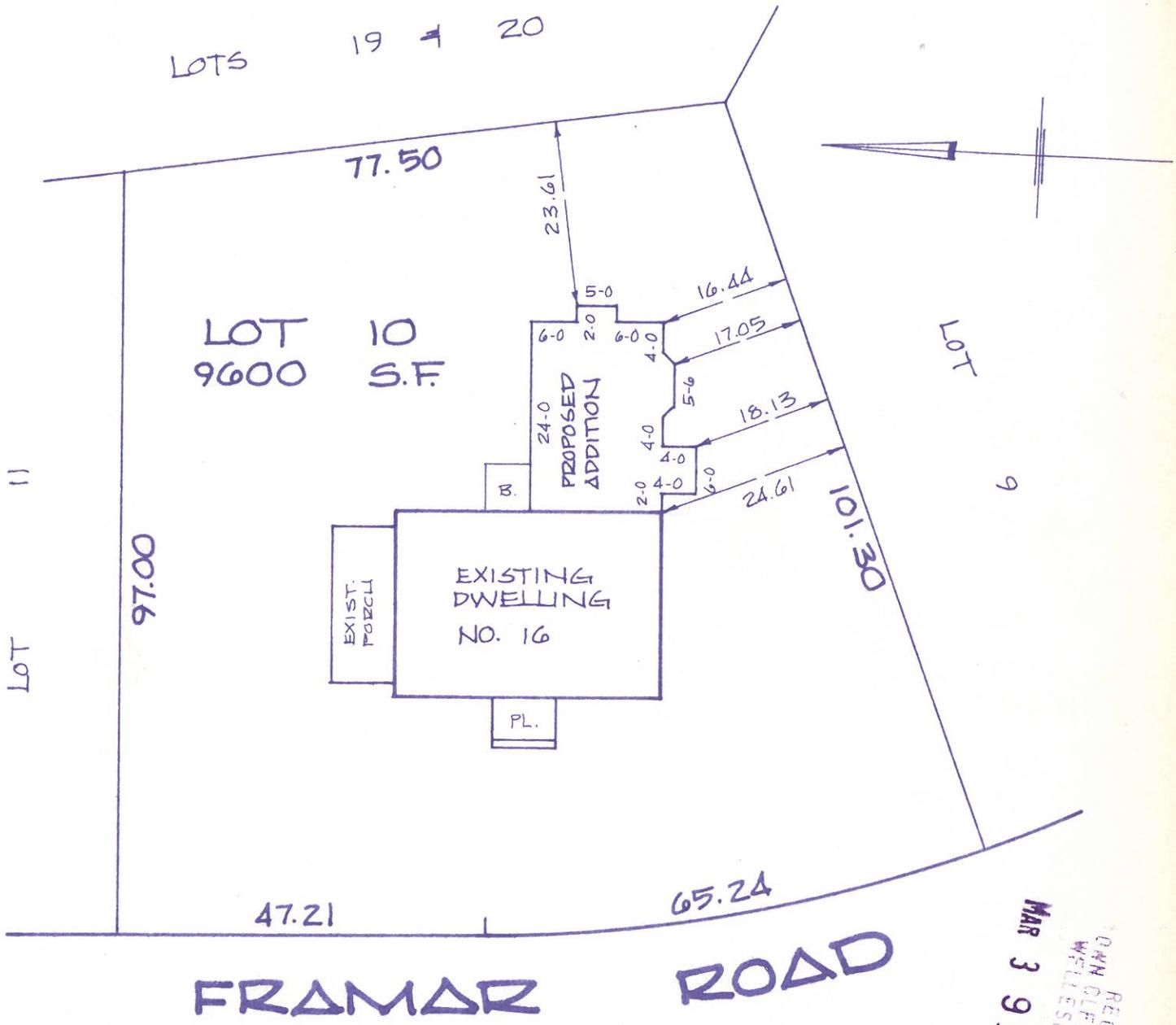
mam


Stephen S. Porter, Chairman


John A. Donovan, Jr.


William E. Polletta

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WILMINGTON, MASS.



PLOT PLAN OF LAND IN
WELLESLEY MA.

SCALE : 1 IN. = 20 FT.
FEBRUARY 13, 1986

EVERETT M. BROOKS COMPANY
PROFESSIONAL LAND SURVEYORS
NEWTONVILLE, MASSACHUSETTS



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