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ZONING BOARD OF APPEALS

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Robert L. and Janice M. Peretti

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:35 p.m. on October 26, 1978, on the petition of Robert L. and Janice M. Peretti, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the rear of the dwelling at 31 Emerson Road, with a side yard less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On October 11, 1978, the petitioners filed their request for a hearing before this Authority and thereafter due notice of the hearing was given by mailings and publication.

Robert L. Peretti spoke in support of the request at the hearing.

John Schuler, 35 Emerson Road and Frederic D. Friggletto, 27 Emerson Road, abutting property owners, spoke in favor of the request.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 15,000 square feet. The house involved was built in 1935, prior to the area requirement, on a lot containing 14,046 square feet and prior to the twenty-foot side yard requirement.

The petitioners seek permission to construct an addition approximately 12.0' x 40.0' across the rear of their dwelling to provide a breakfast room, family room and laundry. It was explained that the existing kitchen is very small and additional space is needed for the petitioners' family of six. While the proposed addition, if built, will lie only 10.8' from the lot line on the northerly side, it will be indented one foot in from the edge of the house which is 9.85' from the same lot line.

It was stated that due to soil conditions at the rear of the house, which is sandy and loosely-packed soil, it is going to be necessary to provide a full basement and a full-depth foundation. It is also proposed to excavate under the existing three-foot foundation under the attached garage and provide a full-depth supporting foundation beneath the existing garage foundation.

A plot plan was submitted, drawn by Carmelo Frazetti, Land Surveyor, dated October 2, 1978, which showed the existing house on the lot as well as the proposed foundation.

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Decision

This Authority has made a careful study of the evidence submitted and has taken a view of the locus.

In its opinion, there is a real need for the enlargement of the house which the proposed addition will provide, and the proposed location appears to be the only practical and feasible place it can be constructed to provide the space needed.

Because of the location of the house on the lot, the shape of the remaining lot is such that little space remains available to construct an addition which will conform to the setback requirements of the Zoning By-law. The soil condition at the rear of the property also presents a serious problem so that it would be most difficult to design an addition elsewhere on the property which would be feasibly economical as well as practical.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the soil conditions as well as the shape of the remaining lot, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioners. It is the further opinion of this Authority that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed addition as shown on the plan submitted and on file with this Authority.

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Filed with Town Clerk _____

Copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.

