80-2

TOWN OF WELLESLEY

MASSACHUSETTS

ZONING BOARD OF APPEALS

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Administrative Secretary
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Petition of Marilyn R. Sherry

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 8:05 p.m. on February 7, 1980, on the petition of Marilyn R. Sherry, 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 21 Russell 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 January 22, 1980, the petitioner filed her request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

The petitioner and her husband spoke in support of the request at the hearing.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house involved was built over seventy-five years ago, prior to the enactment of the twenty-foot side yard requirement, on a lot containing 19,568 square feet.

The petitioner seeks a variance which will allow the construction of an addition 10.6' x 12.2' at the rear of the dwelling and if allowed, will be 13.2' from the side lot line on the southerly side. As shown on the plot plan submitted, the existing house stands only 2.52' from the side line at the nearest point.

It was stated that the room at the rear, which the petitioner desires to enlarge, is in very poor condition structurally and needs considerable renovation; however, it is only 10' x 10' and inadequate for family needs. Therefore, the petitioner desires permission to enlarge the existing room by extending it 10.6' in a westerly direction, and if allowed, will provide a family room approximately 12.2' x 20'.

Due to the shape of the lot and the location of the house on the lot, the petitioner feels that the proposed location of the addition is the most practical place for it to be constructed.

A plot plan was submitted, drawn by John J. Regan, Land Surveyor, which showed the existing house on the lot as well as the proposed addition. Said plan was dated November 24, 1979.

Decision

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

In its opinion, there is a need for the additional living space that the proposed addition will provide and the enlargement of the existing room appears to be the most practical way to accomplish it. The house stands only 2.52' from the lot line at the nearest point on the side involved and it is proposed to remove the northerly wall of the ell on the rear of the house and extend the existing room 10.6' in a northerly direction. If built, the proposed addition will be 12.2' from the southerly lot line with an outside fireplace chimney 7.0' from the same line. Although the proposed addition and chimney will be less than the required twenty feet from the side lot line, they will not encroach into the side yard as close as the existing house which is 2.52' from the line.

The facts in this case satisfy the conditions set forth in Section XXIV-D 1. 2., of the Zoning By-law, which requires that this Authority specifically finds that: "Literal enforcement of the provisions of the Zoning By-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: 10 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..."

Because of the location of the house on the lot and the angle of the southerly lot line, it appears to this Authority that it would be difficult to build an addition of adequate size which would comply with the set back requirements . Although there is space on the northerly side of the house to construct an addition, due to the topography of the land, this would be difficult.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the shape and topography of the land, it would be excessively expensive to construct an addition elsewhere on the lot which would provide the living space needed. It is the further opinion of this Authority that a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioner and 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 and deck as shown on the plan submitted and on file with this Authority.

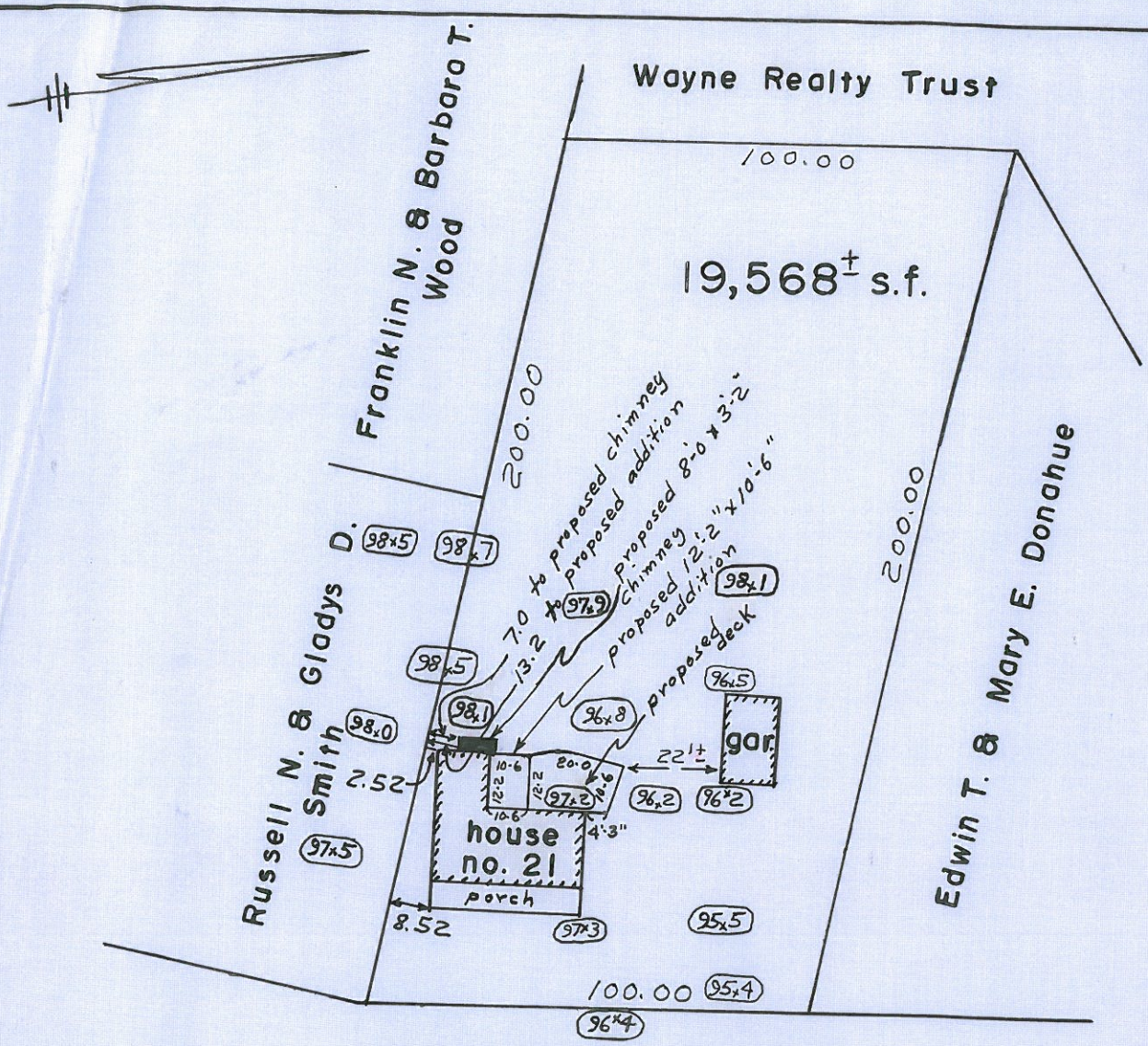
Francis L. Swift

Franklin P. Parker

Stephen S. Porter

Filed with Town Clerk _____

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



RUSSELL ROAD

(97x5) - indicates existing ground elevation

Existing first floor of house is elevation 100.75

COMMONWEALTH OF MASSACHUSETTS
JOHN J. REGAN
No. 7931
REGISTERED LAND SURVEYOR

John J. Regan

PLAN OF LAND IN WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF

MARILYN R. SHERRY
21 RUSSELL ROAD
WELLESLEY

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

NOV. 24, 1979
LAND SURVEYORS
MASS.

4242