

80-51

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

WILLIAM F. CULLINANE, CHAIRMAN
STEPHEN S. PORTER
JOHN A. DONOVAN, JR.

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

Petition of Irving J. Slotnick

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Tuesday, September 23, 1980 at 9:00 PM on the Petition of Irving Slotnick who is seeking a Variance from the side yard requirement of twenty (20) feet in order to construct a deck off his back door. The property is located at 40 Willow Street. Said request is made pursuant to Section XIX and Section XXIV-D of the Zoning Bylaw.

On September 5, 1980 the Petitioner filed his request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and speaking in support of this request were Irving and Mariam Slotnick.

Statement of Facts

The Petitioner wishes to add a sun deck, twelve (12) feet by twenty (20) feet to the rear of their dwelling located at 40 Willow Street. Said dwelling is located on a corner lot. A Plot Plan dated July 28, 1980 and signed by Carmelo Frazetti was submitted to this Authority indicating that the present distance from the house to the lot line is 23.55 feet, therefore, with the deck addition the distance from the deck to the lot line will be 11.5 feet.

Decision

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

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A minority of the Board (Mr. Porter) is of the opinion that denying the requested Variance will result in "substantial hardship" within the meaning of Section XXIV-D 1 a. of the Zoning Bylaws. However, a majority of the Board (Messers. Cullinane and Donovan) were unable to find "substantial hardship" within the meaning of the Bylaw, and were not persuaded that a deck suitable for the intended purpose could not be designed and built on this lot within the requirements of the Zoning Bylaw.

Because the concurring vote of all three members of the Board is required in the granting of a Variance, as per Section XXIV-D 3, the relief requested is denied and the petition for a Variance is dismissed.

William F. Cullinane

William F. Cullinane, Chairman

Stephen S. Porter

Stephen S. Porter

John A. Donovan, Jr.

John A. Donovan, Jr.

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Harry O. Lowell
Trustee of Willow Realty Trust

Ruth G. Halperian

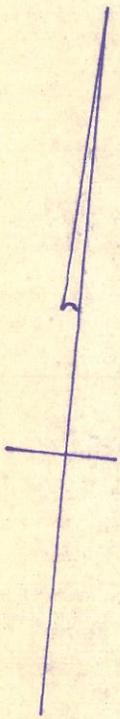
No. 46

S15°-39'-30" E

99.37'

11,273 s.f.

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N 74°-39'-30" E

130.00'

PROPOSED DECK (20'x12')

11.45'

20.0'

11.5'

12.0'

55.5'

40

23.55'

54.5'

25.0'

54.57'

N 15°-20'-30" W

No. 38

WILLOW STREET

111.38' W
S 85°-06'-30" W

LEES STREET
M'LEAN STREET

A = 34.71'
R = 25.00'

PLAN OF LAND
in
WELLESLEY, MASSACHUSETTS
at
No. 40 WILLOW STREET

Owned by
Irving J. & Mariam S. Slatnick
July 28, 1980
Carmelo Frazetti



Proposed Deck
Scale: 1" = 20'
Land Surveyor