



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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Petition of Thomas A. Monti and Deborah J. Monti

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, March 18, 1981 at 8:30 PM on the Petition of Thomas Monti and Deborah Monti who are seeking a Variance from Section XIX of the Zoning Bylaw which requires a twenty (20) foot side yard and a thirty (30) foot depth from a street in order to construct an addition to their dwelling at 17 Belair Road. The addition consists of a 19'6" x 21' family room at floor level with a garage under. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On February 24, 1981, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

There was nobody present at the hearing speaking on behalf of this request. The petitioners application states that this dwelling is located on a corner lot, fronting on Belair Road, and further states that by placing the addition flush with the side of the house it will be less than 20 feet from the side lot line. The application continues to state that it is not possible to locate the addition anywhere on the lot without obtaining a Variance; the house was built in 1909 and is nonconforming; also the addition will be less than 30 feet from Birch Road.

Present at the hearing and speaking in opposition to this request was Mary E. Rich of 16 Midland Road, the abutter to the rear lot line of 17 Belair Road. Mary Rich supplied this Board with a copy of a letter dated March 18, 1981 from herself and Donald J. Rich, which stated the following:

1. The proposed addition extends approximately three-quarters of the length of the main body of the house;
2. It extends the existing violation of side lot requirements both along the adjacent property at 15 Belair Road and along Birch Road;
3. It brings the structure at 17 Belair Road closer in proximity to an existing garage at 15 Belair Road which does not conform to the side lot requirement;

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4. Construction of a driveway to the proposed 2-car garage seems to require cutting down an existing street tree;
5. The existing dwelling and garage at 17 Belair Road when augmented by the proposed addition will result in coverage of the lot of approximately 87 square feet less than the 25% coverage of the 7,500 square foot lot;
6. The driveway will narrowly skirt, but probably not require the relocation of an existing utility pole;
7. The existing garage at 17 Belair Road is located approximately 10' from the Birch Road side lot line. It includes not only a blacktopped access driveway but an area blacktopped along the side of the garage extending 11' to the edge of the rear lot line;
8. A 5'10" high stockade fence extends along the rear lot line and much of the side perimeters.

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Mary Rich suggested that if granted, the Variance require the removal of the existing garage and all its adjacent blacktopping.

Statement of Facts

The property involved is located in a Single Residence District requiring 10,000 square feet for a building lot. The property in question is number 17 Belair Road and contains 7,500 square feet.

The proposed addition 19'6" x 21', is for the rear of the existing dwelling. The addition will include a room at the main floor level with a garage under. This is a corner lot, thereby requiring two side yard setbacks of 20' each and a front yard setback off each public roadway of 30' each.

A letter dated March 10, 1981 was received from the Planning Board suggesting that the addition be located 20' from the side property line rather than 18' as shown. The Planning Board stated they had no objection to the encroachment on the Birch Road line.

A Plot Plan drawn by Philip R. Brown, Registered Land Surveyor and dated February 23, 1981, was submitted with this application.

Decision

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

Section XXIV-D 1. of the Wellesley Zoning Bylaw states that a Variance, such as the one being requested by the Petitioner, may be granted if this Authority specifically finds that:

- 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.

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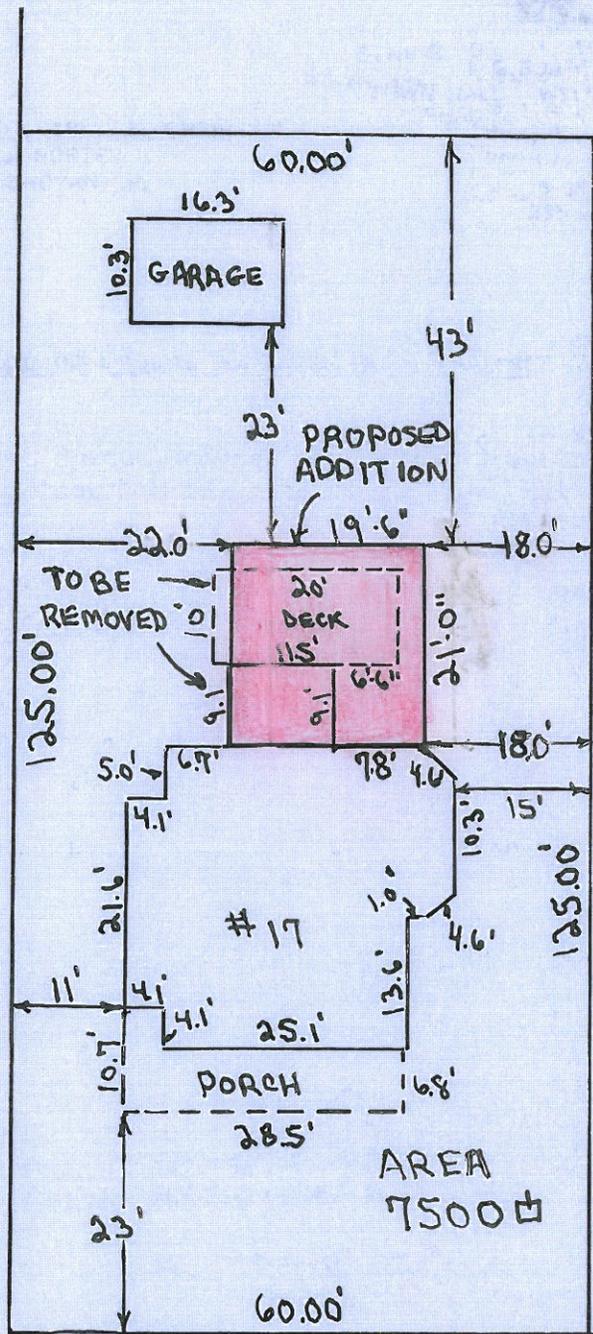
This Authority fails to find hardship within the meaning of the Zoning Bylaw. Therefore, the request is denied and this petition is dismissed.

William F. Cullinane  
William F. Cullinane, Chairman

John A. Donovan, Jr.  
John A. Donovan, Jr.

Stephen S. Porter  
Stephen S. Porter

BIRCH ROAD

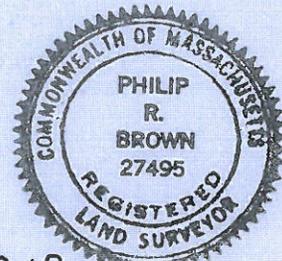


NOTE: PROPOSED ADDITION = 21' X 19.6"

APPROVED BY  
WELLESLEY BOARD  
OF APPEALS

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\_\_\_\_\_  
\_\_\_\_\_

DATE



*Philip R. Brown*

BELAIR ROAD

**PLAN OF LAND IN WELLESLEY, MASS.**

OWNED BY:

THOMAS MONTI ET UX

SCALE: 1" = 20'

FEB. 23, 1981

PLAN BY: PHILIP R. BROWN 30 VILLAGE HILL LANE NATICK, MASS.