



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of Villa Realty Trust Partnership

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, September 17, 1981 at 8 p.m. on the Petition of Villa Realty Trust Partnership, 37-39 Oak Street, requesting a Variance from the terms of Section XIX and Section XVII which would allow alterations, including additions, to a pre-existing, non-conforming structure located at 37-39 Oak Street. Said request is made under the provisions of Section XXIV-D of the Zoning Bylaw.

On August 13, 1981, the petitioner filed for a hearing before this Board and thereafter notice was given of the hearing by mailing and publication.

Present at the hearing and speaking on behalf of this request were Francesca and Theodore Villa, who occupy one of the apartments on the second floor. They presented a list of abutters who are in support of their plans.

Statement of Facts

The property involved is located in a General Residence District. The locus is 37-39 Oak Street, comprised of 10,690 square feet of land. It is a pre-existing non-conforming structure.

The petitioner is seeking a Variance to construct an addition of a stairway from the first floor to the second floor which would place the addition 3.7 feet from the lot line abutting 39A Oak Avenue. The petitioner also seeks a Variance to add storage space for the downstairs non-conforming store known as "Goobies".

A Plot Plan was submitted, drawn by Carmello Grazetti, Registered Land Surveyor, and dated July 15, 1981. Proposed renovation plans were submitted, drawn by Wellesley Design Architectural Service, Division of L. Grignaffini & Sons, Inc., 148 Linden Street, Wellesley.

A letter was submitted by the Planning Board, dated September 14, 1981, stating: "It appears the only issue before your Board is the 3.7 foot side yard variance for a relatively minor second floor addition. The Planning Board has no objection to this addition since it does not represent a further encroachment on the inadequate yard."

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Decision

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

It is the opinion of the Authority that the five foot addition for the stairway to the second floor will improve safety conditions of the property. It is the unanimous opinion of the Board that denying the request would involve a substantial hardship to the petitioner.

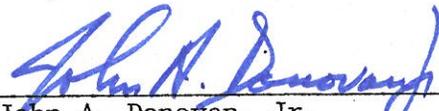
Section XVII of the Zoning Bylaw states: "Pre-existing non-conforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Permit Granting Authority that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood. For the purpose of this Section XVII, a substantial extension, alteration, reconstruction or structural change to a non-conforming use or structure shall be and include any extension, alteration, reconstruction or structural change characterized by any one of the following conditions:

1. Increase in the floor area or ground coverage of a building or buildings on a lot in excess of 10% of the floor area or ground coverage of a building or buildings existing on March 1, 1980."

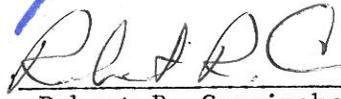
The amount requested is well below 10%. The Authority, therefore, grants the Variance so long as construction complies with the Plot Plan and plans on record at the Board of Appeals.



 Stephen S. Porter, Chairman



 John A. Donovan, Jr.



 Robert R. Cunningham

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