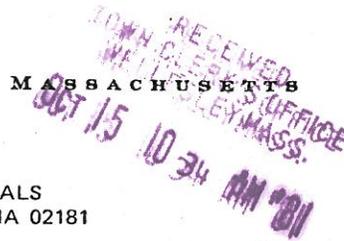


TOWN OF WELLESLEY



MASSACHUSETTS



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
JOHN A. DONOVAN, JR.  
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL  
Executive Secretary  
Telephone  
235-1664

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

81.54

Petition of Joseph G. Maguire

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, September 30, 1981, at 8 p.m. on the Petition of Joseph G. Maguire, requesting a Variance from the terms of Section XIX and Section XVII which will allow construction to the dwelling at 350 Walnut Street to include a 12' x 16'7" deck which would extend to the right side yard leaving less than the required twenty feet. Said dwelling to be non-conforming to the present Zoning Bylaws, said request pursuant to Section XXIV-D of the Zoning Bylaw.

On September 2, 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 the request was Susan Cutler, a friend of Mr. Maguire, who stated that Mr. Maguire was unable to attend because he is on business in Utah. Ms. Cutler stated that the deck would be built in approximately the same area that was occupied by a room that deteriorated several years ago. The deck could not be built on Washburn Ave. side because of elevation changes in that area and a significant slope towards Washburn Ave.

Present in favor: David Falwell, 9 Washburn Street, abutter.  
Opposed: William Noone, 11 Washburn Street.

Statement of Facts

The property involved is located within a Single Residence District, at 350 Walnut Street, on the corner of Washburn Avenue, containing 21,005 square feet of land, the dwelling being non-conforming to the present Zoning Bylaws.

The petitioner seeks to construct a 12' x 16'7" deck which would extend 15' from the right side lot line. The proposed deck would be built as an extension to the rear ell of the house, which is 15' from the lot line. The three story wood frame dwelling has an existing side yard of approximately one foot.

A Plot Plan was submitted, drawn by John J. Caffrey, Professional Engineer, Registered Land Surveyor, Needham, Ma., dated August 19, 1981, showing the existing house and the proposed deck. Construction plans were also submitted.

The Planning Board, in a letter dated September 24, 1981, stated they had no objection to the petitioner's request.

Decision

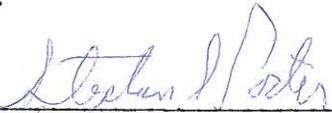
This Authority has made a careful study of the evidence submitted and at least one member has viewed the locus. The particular house in question in its present location on the lot does not conform to the present Zoning Bylaw. The home was built before the Zoning Bylaw was put into effect.

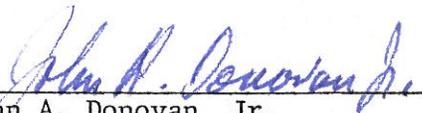
The home as presently constructed has an extended bay window that comes to within two feet of the lot line abutting 354 Walnut Street, and the house is no further than fifteen feet at any point.

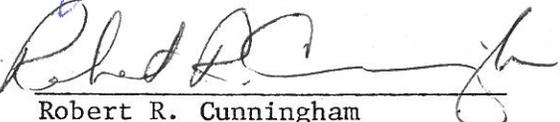
It is the opinion of the Authority that the addition of the deck conforms with the present lines of the house and does not alter the relationship of the house to the existing lot line.

It is the unanimous decision of this Authority that, because of the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

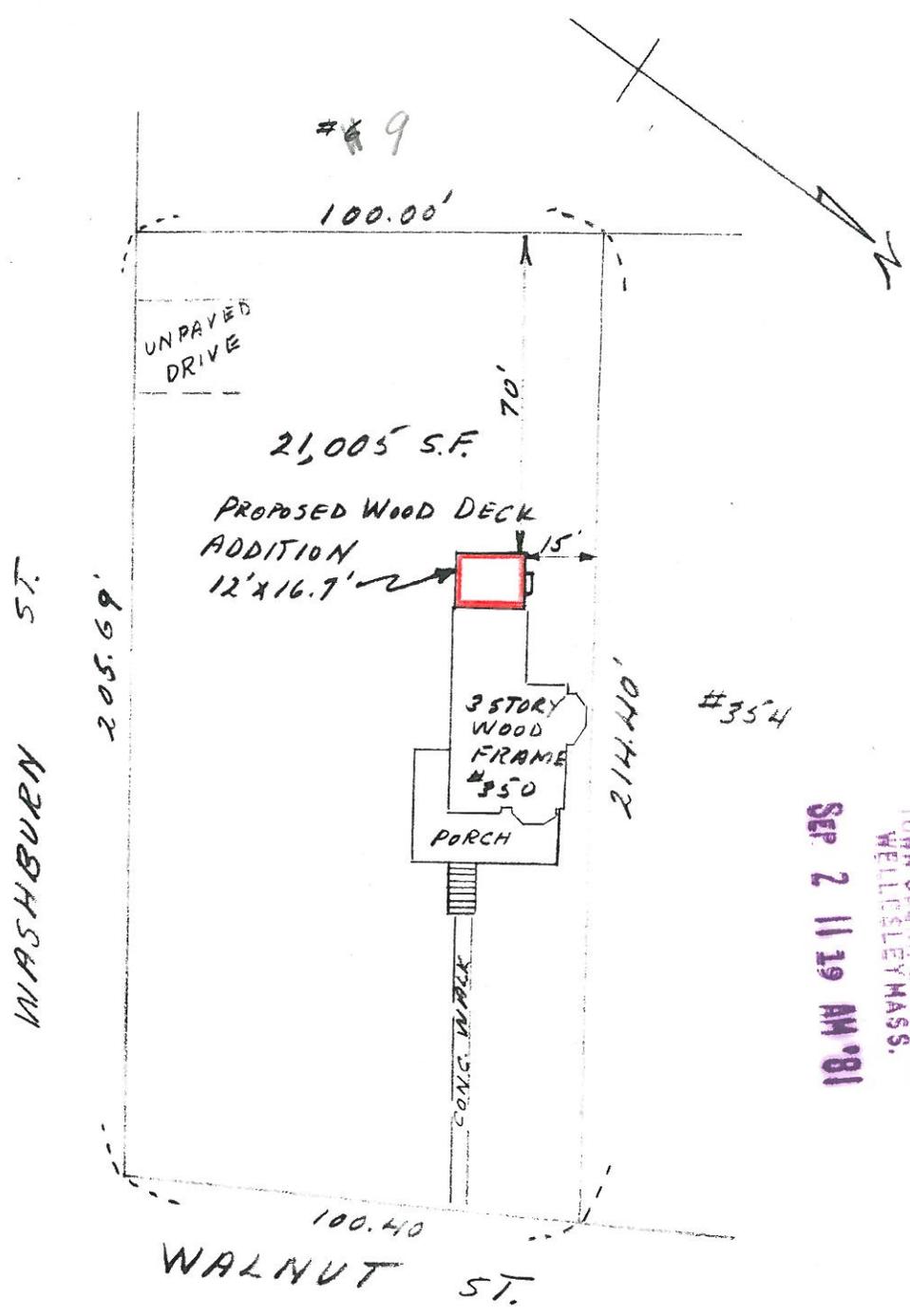
Therefore, the requested Variance is granted and the Inspector of Buildings is authorized to issue a permit for the deck construction, so long as the deck is built no closer than fifteen feet from the side lot line.

  
\_\_\_\_\_  
Stephen S. Porter, Chairman

  
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John A. Donovan, Jr.

  
\_\_\_\_\_  
Robert R. Cunningham

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PLOT PLAN  
 OF LAND IN  
 WELLESLEY, MASS

OWNER: JOSEPH MAGUIRE  
 SCALE: 1" = 40' AUG 19, 1981  
 JOHN J. CAFFREY PE, RLS NEEDHAM, MA.

