

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of L. Grignaffini & Sons, Inc.

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8:00 PM on Thursday, January 22, 1981 on the Petition of L. Grignaffini & Sons, Inc., who are requesting a Variance from the terms of Section XIX of the Zoning Bylaw which will allow them to place a Bilco Door over the existing entrance to the basement (bulkhead), at 3 Louis Drive. This request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On January 5, 1981 the Petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was sent by mailing and publication.

Present at the hearing and speaking on behalf of the Petition was C. Joseph Grignaffini. Mr. Grignaffini stated there were two reasons for placing the house on the lot as they did. 1) to keep the house back 52' rather than the required 30' from Weston Road, thereby reducing the obstructed view from the dwelling at 457 Weston Road; and 2) by keeping the house set back in farther from Weston Road, it reduced the potential hazard of having the driveway on the corner of Weston Road and Louis Drive. Mr. Grignaffini stated that originally he did not plan to put a bulkhead on the basement stairs, but the new owner has requested the bulkhead so as to eliminate any potential dangers of an open stairway and for drainage purposes. To place the bulkhead on the side of the house would have necessitated moving the house closer to Weston Road, therefore due to the shape of the lot, the only place to put the bulkhead is the front or the rear of the dwelling.

Present at the hearing and speaking as concerned abutters were John and Agnus Crook of 457 Weston Road. Mr. Crook stated his opposition to the bulkhead came in two forms. 1) he felt if there was a law in the books requiring a side yard to be twenty (20) feet it should be upheld, or why have the law; and 2) it is Mr. Crooks interpretation of the Bylaw that the basement stairs represent part of the foundation and should therefore conform to the twenty foot side yard requirement. Mr. Crook stated when asked if the Bilco door was injurious to him that it does not injure him if it exists on the property.

Also present at the hearing was Thelma Wessel of 447 Weston Road.



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Statement of Facts

The property involved is located within a Single Residence District requiring 10,000 SF. The locus, 3 Louis Drive, is a corner lot in a new subdivision, approved by the Planning Board on July 7, 1980 and being developed by the Petitioner who is also the owner. The house is located on a corner lot containing 10,187 SF and is presently under construction per a Building Permit issued on November 10, 1980.

A Survey Record and Plot Plan prepared by Phillip R. Brown, dated November 20, 1980 was submitted showing the location of the house on the lot as well as the location of the basement stairway.

SECTION XIX of the Zoning Bylaw covering YARD REGULATIONS defines side yard as follows:

SIDE YARD. An open space on the same lot with the building measured from the side line of the lot to the building, extending the full width or depth of the building and unoccupied above ground level except by uncovered steps and projecting eaves.

The main portion of the house at 3 Louis Drive measures 21' from the rear of the house to the side lot line. The basement stairwell protrudes 8', thus reducing the distance to 13'8". The Bilco door over the basement stairs will only protrude 6" from ground level.

Decision

The Petitioner requests a Variance to allow the construction of the existing below-grade basement entry stairway (bulkhead) which projects approximately 8 feet into the side yard.

This Authority has made a careful study of the evidence submitted, noting that the existing open stairway was originally designed with a cover but that the approved Building Permit application and its accompanying Survey Record show the layout of the house without the covered stairway. At least one member has taken a view of the locus.

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Petition of L. Grignaffini & Sons, Inc., continued

The lot is a corner lot which is therefore interpreted as having two front yards and two side yards. The existing location of the basement entrance appears to this Authority to be the most advantageous. Therefore, it is the opinion of this Authority that the addition of a door on the basement entrance (bulkhead) will not substantially alter the existing measurement from the present structure to the Southerly lot line and that a literal enforcement of Section XIX of the Zoning Bylaw would result in substantial hardship to the petitioner and subsequent owners.

It is the further opinion of this Authority that desirable relief may be granted without substantial detriment to the public good or without nullifying or substantially derogating from the intent and purpose of the Zoning Bylaw.

Therefore, the Inspector of Buildings is authorized to issue a permit to cover the basement entry stairway.

William F. Cullinane
William F. Cullinane, Chairman

William E. Polletta
William E. Polletta

Franklin P. Parker
Franklin P. Parker