



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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82-28

Petition of F. Weston Prior

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, August 19, 1982, at 8 p.m. on the petition of F. Weston Prior, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a roof, approximately 5.2' by 3.5' over the front entrance of his dwelling at 12 Bay View Road, leaving less than the required front yard setback. The request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On July 30, 1982, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing were Mr. and Mrs. Prior. Mr. Prior stated that the house had been built in 1940. When the Priors purchased the house in 1960, an aluminum awning existed over the front steps. A new roof was recently put on the house at which time the awning was removed for esthetic reasons. The front door has since swelled due to moisture, and snow and ice come off the roof and build up at the front entrance. The Priors wish to build an architecturally designed roof over the front entrance to reduce these problems. Mr. Prior stated that the front entrance is the main entrance to the house and the only means of getting out to the driveway.

Other than the petitioners, there was no one present favoring or opposing the petition.

Statement of Facts

The property in question is located at 12 Bay View Road, containing 10,000 square feet of land, in a Single Residence District. The dwelling has a front yard setback of thirty feet. The front entrance has a concrete platform 4'6" by 3'2" and the petitioner proposes to add a roof over it supported by two posts, to prevent the front door from swelling and to keep rain, snow and ice off the front stoop.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor. Construction drawings were also submitted.

The Planning Board, at its meeting of August 17, 1982, voted to offer no comment on the petition.

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Decision

This Authority has made a careful study of the evidence submitted, and recognizes the condition which the applicant wishes to correct, specifically swelling of the front door caused by moisture, and buildup of snow and ice on the front stoop.

While this Authority recognizes that there are valid reasons for the request, the Bylaw specifically restricts such improvements if an encroachment is involved. This Board recognizes that the above mentioned conditions are not unique and are present in many houses in the area and in the Town.

However, because this Authority believes that requests such as the petitioners are commendable, this Board plans to present a request before the next Town Meeting which would allow the construction of front entrance enclosures of limited dimensions and roofs such as proposed by the applicant.

Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

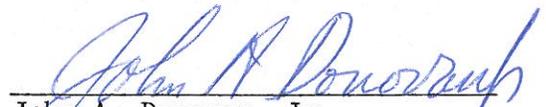
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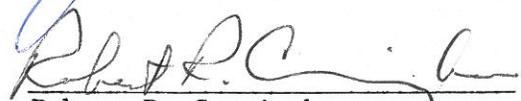
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures,
..... AND
- b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D.

Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.


Stephen S. Porter, Chairman

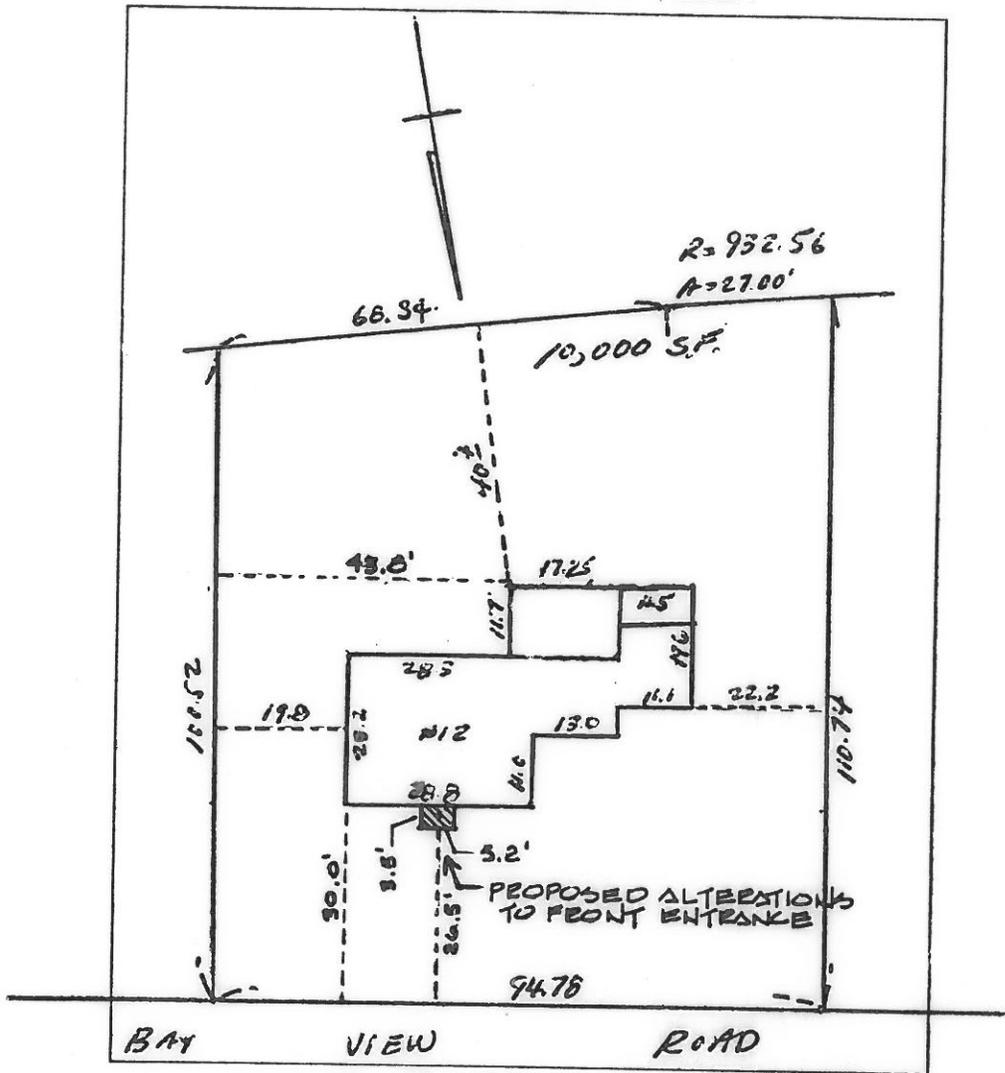

John A. Donovan, Jr.


Robert R. Cunningham

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CERTIFIED PLOT PLAN



SCALE 1" = 30'

