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

82.4
Petition of Thomas J. and Diane B. Drinan

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Selectmen's Office on the first floor of the Town Hall on Thursday, February 25, 1982, at 8 p.m. on the Petition of Thomas J. and Diane B. Drinan, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow construction of an addition to their dwelling located at 14 Thomas Road, including a 27' by 11.5' room and a 4' by 6' porch, leaving a right side yard of less than the required twenty feet. Said dwelling is a legal non-conforming dwelling. Said request is pursuant to Section XXIV-D of the Zoning Bylaws.

On February 8, 1982, 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 Kathy Burmon, 11 Thomas Road. Mr. and Mrs. Drinan, who were out of town, requested that Mrs. Burmon represent them. She explained that the Drinans wished to increase the size of their kitchen and to add a den, both to the first floor of their dwelling. Mrs. Burmon stated that the Drinans had consulted their neighbors abutting the side yard in question, and had attempted to design the addition with the least amount of impact on them. She presented a sketch showing the interior and exterior changes proposed.

A letter, dated November 8, 1981, had been received by the Board of Appeals from Edward P. and Violet L. Loring, 18 Thomas Road, expressing opposition to the petition. Mr. and Mrs. Loring are residing in Florida for the winter. A subsequent letter, dated January 16, 1982, was received by Mr. and Mrs. Drinan from Mr. and Mrs. Loring, stating that, after reviewing the plot plans dated January 6, 1982, they will not object to the request. A copy of said letter is on file at the Board of Appeals.

Present in favor of the petition: no one. Speaking in opposition to the petition: no one.

Statement of Facts

The property involved is located in a Single Residence District, at 14 Thomas Road, containing 9,932 square feet of land. The petitioner seeks to construct an addition 27' by 11'5" to increase the size of the kitchen and add a den to the first floor. The

MAR 19 1 45 PM '82
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

existing dwelling is 10'6" from the right side line, built prior to the enactment of the current Zoning Bylaws. The proposed addition would be at the rear of the house, extending to 15'6" from the right side lot line.

A Plot Plan was submitted, drawn by Charles D. Thompson, Registered Land Surveyor, of Everett M. Brooks Co., Newtonville, Ma., dated January 6, 1982. Construction drawings were also submitted.

The Planning Board, in a letter dated February 22, 1982, voted to recommend denial of the variance, stating: "There appears to be enough room on the lot for the proposed addition to be built in compliance with the setback requirements. The Planning Board noted that the materials submitted do not indicate either the purpose of or the need for the proposed addition."

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 Bylaws, as the house was built prior to the enactment of the Zoning Bylaws. The existing house is 10'6" from the right side lot line and the proposed addition would be 15'6" from said lot line. This Authority notes that the addition will be further from the lot line than the other extremities of the house.

It is the unanimous opinion 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 construction upon his receipt and approval of a building application and construction plans.

Stephen S. Porter

Stephen S. Porter, Chairman

John A. Donovan

John A. Donovan, Jr.

Robert R. Cunningham

Robert R. Cunningham

mam

MAR 18 1 45 PM '82
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

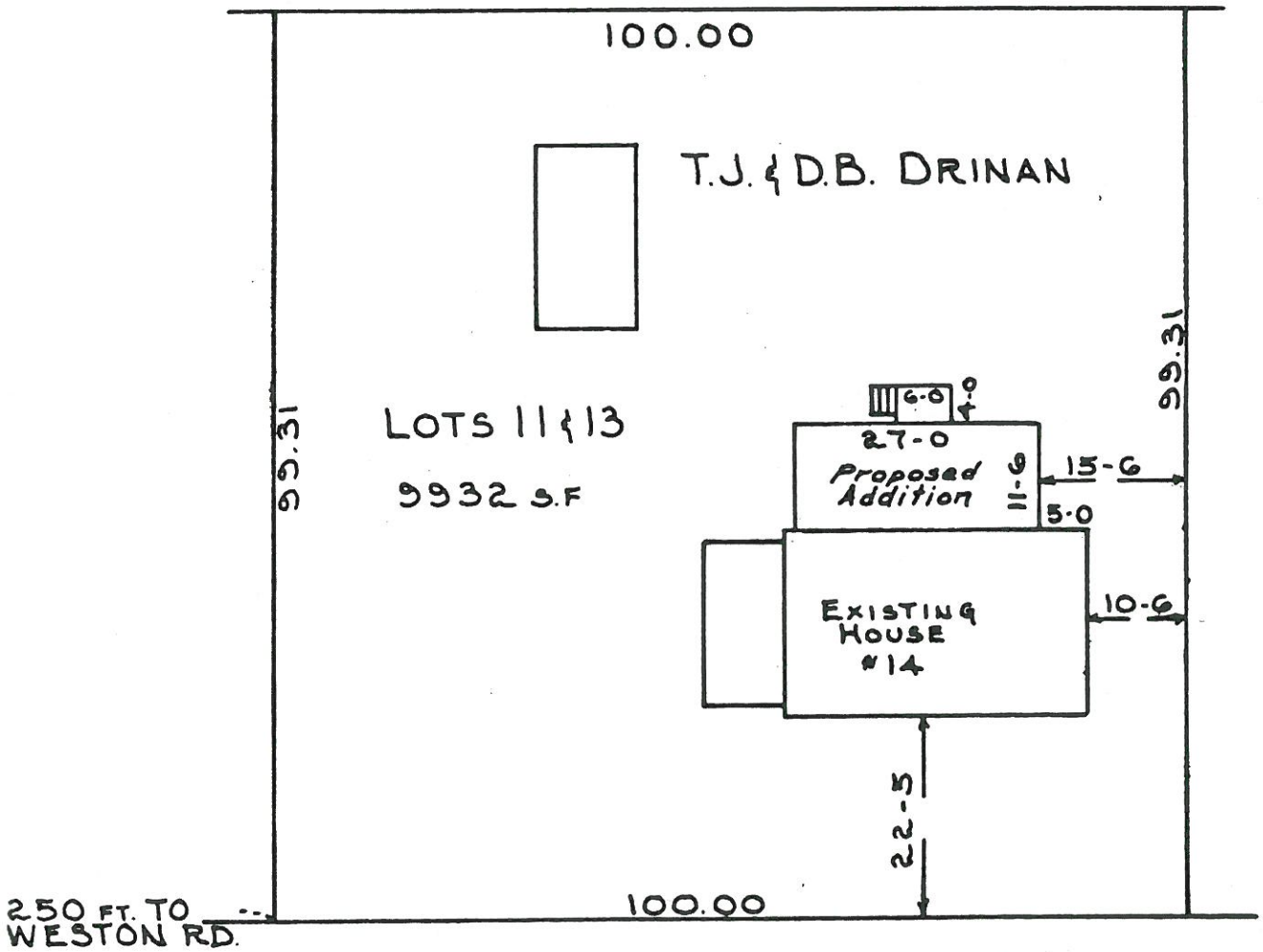
PLAN OF LAND
IN
WELLESLEY • MASS.

SCALE: 1 IN = 20 FT JANUARY 6, 1982

EVERETT M. BROOKS CO., CIVIL ENG'RS
NEWTONVILLE MASS

COMMONWEALTH OF MASSACHUSETTS
CHARLES D. THOMPSON
No. 14673
REGISTERED LAND SURVEYOR

Charles D. Thompson



RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.
FEB 8 9 50 AM '82

14273